

KENTUCKY'S  
FAMOUS FEUDS  
AND  
TRAGEDIES

C. G. MUTZENBERGH

Respectfully inscribed  
to

Mrs Mary Kelly  
&  
Samuel W. Wilson

by  
Chas. G. Muntzberg  
June 14<sup>th</sup> 1910

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Respectfully  
inscribed  
to

the friends of  
Lexington  
inscribed on  
the opposite page.

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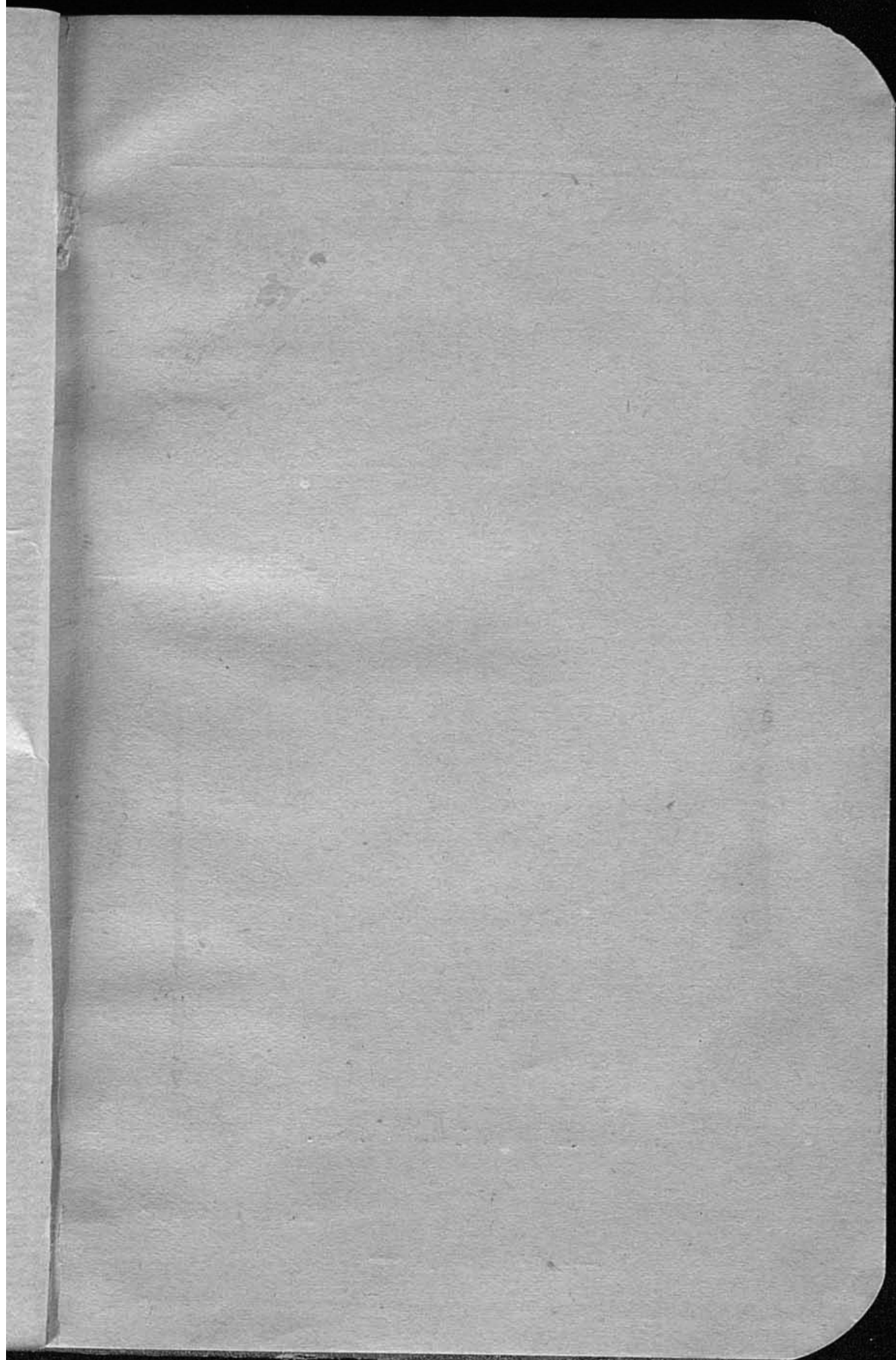
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Yours truly  
Chas. G. Muntzenbergh



**KENTUCKY'S**  
**FAMOUS FEUDS**  
AND  
**TRAGEDIES.**

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**AUTHENTIC HISTORY**  
OF THE  
**WORLD RENOWNED VENDETTAS**  
OF THE  
**"DARK AND BLOODY GROUND."**

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Thrilling and Exciting Recital of Hand-  
to-Hand Conflicts, Street Fights,  
Battles, Ambuscades, Massa-  
cres and Officers' Raids.

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BY  
CHAS. G. MUTZENBERGH,

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*HYDEN PUBLISHING CO,*  
HYDEN, KY.  
1899.

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## Notice.

Many of the persons named in the succeeding chapters as having been connected with the feuds and tragedies described are yet alive; some of them prominent in the communities in which they reside. I should, therefore, most sincerely regret if anything written in this history should cast an unjust stigma upon them or theirs. I have tried, with honest effort, to sift the truth only from the mass of material before me, yet I am apprehensive, that some misrepresentations might have crept into some of the narratives. But since the highest courts sometime convict the innocent, or acquit the guilty, it cannot be expected of me, that I should be infallible. Those feeling themselves injured through any misrepresentation will please to accept my earnest and humble apology, and rest assured that explanations will be fully regarded and considered in future editions.

Having no personal feelings against any one connected with these feuds, casual errors should not be attributed to a malicious intent to injure.

CHARLES G. MUTZENBERGH.

Hyden, Ky.

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## Preface.

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The thrilling, exciting events recorded in the succeeding chapters were written to preserve, to some extent at least, local history of Kentucky. While the events recorded prominently display incompetency or wilful, criminal neglect of duty among those entrusted with the strict enforcement of the law, their preservation will be appreciated by future historians. Coming generations will read the story of these feuds with the same curious interest with which we peruse the stories of Kentucky's earliest settlement. Without a history of the deadly feuds, which have become world famous and given a most terrible significance to the name of "THE DARK AND BLOODY GROUND," the future history of Kentucky would be deprived of a faithful portrait of the conditions and state of civilization of this day and time.

It has been suggested, that Kentucky has been sufficiently disgraced by scenes of carnage, bloodshed and anarchy, and that to record them in books only serves to increase and perpetuate the stigma upon our State. To this I answer:-

Newspapers report every crime, every scandal in minute details. For this they are condemned by those who believe that "Ignorance is Bliss;" who seek to deceive the people by prohibiting the publication of facts and and truth. These self-constituted 'Censors' of the public press seem to forget, that experience has demonstrated beyond contradiction, that in combating evil

we must first expose it and arouse the people to a realization of its existence. But for the Press the most glaring evils in politics, in churches, and in the administration of justice would never have been disturbed. Through books and newspapers the will of the people is voiced; through these the public makes its demands; by these reforms have been inaugurated and accomplished, and given us the civilization of which we boast. To choke the press will never afford a remedy for existing vils, and it is a most significant fact, that no country, where the Press is hampered by restrictions, is enlightened.

History is a statement of facts, in other words- "a prose narrative of past events," and as such is the most instructive and, therefore, the most valuable literature and for the purpose of affording instructive reading this volume was written. If you find in its pages bloodshed, horror and anarchy, it is not the fault of the historian; let the blame rest upon those whose duty it is to see, that law is respected, and its mandates are obeyed. The responsibility for the disgraceful and terrible scenes depicted in the succeeding chapters must be assumed by those who are invested with power and have the means at hand to cut short, if not totally prevent, such outbreaks as have furnished the material for this book, and cannot justly be shifted upon the author, who merely relates facts, based on public records and documents.

Many feuds of large magnitude have been omitted for the present for reasons of public policy. In several counties, torn by feuds, actual warfare has ceased, yet the least pretext may renew the horrors of civil war,



and that pretext shall not be furnished by anything I may write.

Additional volumes will follow this one, but let us hope, that they will not require additional chapters of *recent* or *renewed* conflicts, but that in the future PEACE ON EARTH, GOOD WILL TO MEN be the guiding motto of all true Kentuckians.

If through the publication of this volume I have succeeded in making crime odious, in calling the attention of public officers and citizens to the havoc that may be wrought by supinely submitting to terrorization of an entire state by a small band of outlaws, when a timely and courageous interference would save blood, money, and honor; if I have succeeded in deterring one from pursuing a course, which must inevitably lead to destruction, by illustrating the dangers invited by submitting to the evil spirit of passion and revenge, especially when intensified by the fumes of the devil's brew; if the publication of this volume should accomplish even one of the purposes for which it was written, I shall feel myself amply rewarded.

With these explanations and apologies I respectfully submit this work to the American people.

CHARLES G. MUTZENBERGH.

Hyden, Ky., September, 1899.

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CHAPTER I.  
**GEOGRAPHY AND EARLY HISTORY  
OF KENTUCKY.**



Kentucky lies centrally in the broad union of States, bordered on the west by the Mississippi river, and north by the Ohio. Its Virginia boundary line on the east, and its Tennessee line on the south, have their intersection at a point in the extreme southeast, where the Cumberland mountains reach an altitude of sixteen hundred feet above the level of the Gulf of Mexico. The two great river mains mentioned receive from this territorial surface the tributary waters of Big Sanday, Licking, Kentucky, Salt, Green, Cumberland and Tennessee rivers. From the lofty apex and slopes of this mountain range, which crosses southeastern Kentucky, begin the sources of these tributary rivers which go to form the internal drainage system of the State. Diverging from the region of their common origin, but each finding a north-westerly course, all finally empty into the gentle and beautiful Ohio, and are borne southward by the channel of the great and turbid Mississippi. *b*

This territorial area lies within latitude 36 to 39, north, and longitude 82 to 89 west. It embraces about forty thousand square miles---is three hundred miles in length from east to west, and one hundred and fifty miles in mean breadth.

*b* Smiths's History of Kentucky.

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#### 14. KENTUCKY'S FAMOUS FEUDS AND TRAGEDIES.

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##### FACE OF THE COUNTRY, ETC. -

The face of the country presents every variety of surface as well as quality of soil. The region around Lexington embraces the largest body of fine lands in Kentucky; the surface being agreeably undulating, and the soil black and friable.

In Filson's "Discovery, Settlement and present state of Kentucky," written in 1784, the following not less glowing description of the country is given:

"The country is in some parts nearly level; in others not so much so; in others again hilly, but moderately---and in such places there is most water. The levels are not like a carpet, but interspersed with small risings and declivities, which form a beautiful prospect. The soil is of a loose, deep, black mould without sand, in first-rate lands about two or three feet deep, and exceedingly luxuriant in all its productions. The country in general may be considered as well timbered, producing large trees of many kinds and to be exceeded by no country in variety. Those which are peculiar to Kentucky are the sugar tree, which grows in all parts, and furnishes every family with great plenty of excellent sugar. The honey-locust is curiously surrounded with large thorny spikes, bearing broad and long pods in the form of peas, has a sweet taste and makes excellent beer. The coffee tree greatly resembles the black-oak, grows large, and also bears a pod, in which is enclosed coffee. The pawpaw tree does not grow to a great size, is a soft wood, bears a fine fruit, much like a cucumber in shape and size and tastes sweet." Of the "fine cane, on which the cattle feed and grow fat," he says: "This plant in general grows from three to twelve feet high, of a hard substance, with joints at eight or ten inches distance along the stalk, from which proceed leaves resembling those of the willow. There are many canebrakes so thick and tall,



that it is difficult to pass through them. Where no cane grows, there is an abundance of wild rye, clover and buffalo grass, covering vast tracts of country, and affording excellent food for cattle. The fields are covered with an abundance of wild herbage not common to other countries. Here are seen the finest crown-imperial in the world, the cardinal flower, so much extolled for its scarlet color, and all the year, excepting the winter months, the plains and valleys are adorned with a variety of flowers of the most admirable beauty. Here is also found the tulip-bearing laurel tree, or magnolia, which is very fragrant and continues to blossom and seed for several months together. The reader by casting his eye upon the map, and viewing round the heads of Licking from the Ohio, and round the heads of Kentucky, Dick's river, and down Green river to the Ohio, may view in that great compass of above one hundred miles square, the most extraordinary country on which the sun has ever shone."

This is a glowing description of Kentucky AS SHE WAS, robed in primeval beauty. The hand of man has been laid upon the forest, and the wild grandeur of nature succeeded by the arts of a civilized people. Kentucky AS SHE IS, presents attractions which are found in but few, if any other regions of the world. Situated in the very center of the American confederated states, beyond the reach of foreign intrusion--- she is rich in a genial climate, rich in a prolific soil, rich in her agricultural products, rich in her beautiful farms and grazing lands, rich in the magnificent scenery and abundant ores of her mountains; and, above all and beyond all, rich in a population at once industrious, enterprising, hospitable, intelligent and patriotic.<sup>c</sup>

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<sup>c</sup> Collins' History of Kentucky.

16. KENTUCKY'S FAMOUS FEUDS AND TRAGEDIES.

The present state of Kentucky was, prior to December 31, 1776, a portion of the county of Fincastle, in the state of Virginia. By act of the Legislature of Virginia, from and after that day, Fincastle was divided into three counties--of which one was Kentucky, and embraced "all parts thereof which lies to the south and westward of a line beginning on the Ohio river, at the mouth of Great Sandy creek, and running up the same and the main or north-easterly branch thereof to the Great Laurel ridge, or Cumberland mountain; thence south-westerly along the said mountain to the line of North Carolina."

In May, 1780, Kentucky county was divided into three counties--Jefferson, Fayette and Lincoln. Jefferson embraced "that part of the south side of Kentucky river which lies west and north of a line beginning at the mouth of Benson's big creek, and running up the same and its main fork to the head; thence south to the nearest waters of Hammond's creek, and down the same to its junction with the Town fork of Salt river; thence south to Green river, and down the same to its junction with the Ohio." Fayette embraced "that part which lies north of the line beginning at the mouth of the Kentucky river, and up the same to its middle fork to the head; and thence south-east to Washington line." Lincoln county embraced the residue of Kentucky county.

Another act, which took effect May 1, 1785, divided Fayette, calling the northern portion Bourbon. August 1st, of the same year, another act sub-divided Lincoln, and formed out of parts of it the counties of Mercer and Madison. On the 1st of May, 1788, Mason county was formed out of part of Bourbon, and Woodford out of part of Fayette---thereby making four counties out of the original Fayette, two out of Jefferson, and three out of Lincoln. These nine counties comprised the Commonwealth of Kentucky when she formally entered the sisterhood of states, on June 1, 1792, and from that date the History of Kentucky becomes merged with that of the Union.



CHAPTER II.

◆ KENTUCKY'S FEUDS. ◆

Causes and Prevention.

Many theories have been offered in explanation of the prime causes of the struggles described in the succeeding chapters. Some attribute them to the naturally quick temperament, courageous, but revengeful disposition of all Kentuckians; others to the weak-kneed, inefficient administration of justice. Both theories are correct in part. To one or both may be traced the responsible cause of these feuds, which, from time to time, have disgraced the fair name of the proud old Commonwealth of Kentucky.

Kentuckians are born fighters. Every inch of the Blue Grass State was wrested from the savages, who fought a long, terrific, though useless struggle to check the advance of the hated intruders. When the pale face first invaded Kentucky it was a wilderness in the true sense of the word; the sound of the woodman's ax had never yet echoed through the hills. Immense forests covered the mountains and fringed extensive plains upon which grazed enormous herds of buffaloes. Along the banks of numerous, beautiful streams, cane-brakes were alive with deer and other game of every description, while the dark recesses of the mountains afforded ample sport for the bear hunter. Kentucky was indeed the hunter's paradise.

The splendid hunting grounds attracted large bands of hunters from the numerous Indian tribes, whose terrific conflicts in attempting to drive each other from the coveted territory gave Kentucky the significant name of

“THE DARK AND BLOODY GROUND.”

For this reason settlement was extremely dangerous and hazardous, and the man, who feared danger in the many forms, in which it threatened the pioneer, was no desirable acquisition to the settlements. To maintain the slender foothold, the daring Boone and others had gained, every inch of acquired territory had to be defended, and held at all hazards. It was not possible to act in concert at all times, nor to rush to each other's assistance, the several “stations” being at considerable distances from each other. Thus every individual learned to trust in his or her courage. Hundreds of instances could be related where women and even children behaved with a presence of mind, and cool, calculating courage, as would put to shame many of the stronger sex. The farmer walked behind the plow with his flint-lock on his shoulder, his keen ear ever on the alert for strange sounds. Many fell, but there was no time for sentiment and wailing. The dead could not be brought to life, but the murderer often met with swift and terrible punishment.

The peculiarly manifold dangers which accompanied the early settlement of Kentucky were not calculated to induce the cowards and effeminate of Virginia, Pennsylvania and other States to attempt settlement of the newly found paradise, but attracted the brave, the hardy element only. For the brave hunter Ken-



tucky offered the most tempting inducements; the Indian fighter and adventurer had ample opportunities of satisfying his thirst for dangerous exploits, while the farmer found a country of unequaled fertility. If the whites were anxious to possess themselves of such a country, the Indians were determined to retain it, and every inch of advance by the former was disputed by the latter. Every station in the State had its bloody conflicts, thousands fell to pave the way for others. For many years the awful conflict raged without intermission, but the skill, superior courage and determination of the pioneers at last conquered over savagery and barbarism, and gave to America one of the most attractive regions of the world, whose people gave to the Union heroic patriots and soldiers in all the wars of the republic, contributed to it the brightest statesmen that ever adorned the council halls of nations; orators and lawyers, the peers of their profession anywhere, men of science and of art, and women, whose beauty and accomplished graces are a by-word, and give Kentuckians a just right to be proud of their state,

The sons of Kentucky's pioneers inherited their courage. Their sires had learned, by force of circumstances, to depend upon their own strong arm and unerring aim for the protection of home and life, to resent insult or redress injury without waiting for a weak and powerless justice. The sons followed in the footsteps of their fathers and were slow to understand that the law, the courts, should be appealed to in settling difficulties of any sort. Intercourse with the far advanced people of the East had much to do with

molding opinions more in accordance with modern ideas of right and wrong, while improved facilities enabled officers and courts to execute law. The Blue Grass section of the state rapidly developed and became densely populated. The wonderful fertility of the soil, combined with the extraordinary industry of the inhabitants, created wealth and comfort, and with increasing prosperity came that high intellectual development so essential to peace and happiness. Schools and churches soon evidenced their existence, and proved their works by the refinement and greater social purity of the inhabitants. Feuds in the Blue Grass have therefore become conspicuously rare, although some of the most advanced counties have had their share of miniature civil wars and frequent outbursts of bloodshed, but a prompt interference by the authorities quelled disturbances before they grew to dangerous proportions.

In the mountain section of the state, however, the refinement and polished manners of the Blue Grass region have introduced themselves but slowly. The customs and habits of the pioneer days and peculiar notions of right and wrong are but little changed, and cannot be easily changed in a country hardly invaded by a stranger. The mountain slopes and narrow valleys afford but a scanty living, and until recently schools and churches were few in number. Thus in the latter part of the nineteenth century we have a region in Kentucky where the inhabitants are untouched, or at least but little touched by the modern ideas that distinguish states of high development. Here in the mountains exists the simplicity of a hun-



dred years ago.

The person who has traveled frequently through the remote mountain section of Kentucky can find almost the identical customs, described in histories of early Kentucky, prevailing to-day. The mountaineer of to-day holds to the same notions of redressing injury by his own means as did the pioneer in the days of the Indian. "Eye for eye, tooth for tooth" is considered the only principal that should govern in settling disputes. The complicated machinery of justice is too slow and uncertain for the hot-headed mountaineer. He also finds from experience that the law, with all its power, fails only too often to bring the guilty to justice. He has seen men stained with blood emerge from the Court-house, free to repeat their deeds of murder and violence, and he has lost the respect of the law necessary to uphold it. He prefers to put his trust in his rifle, and if the destruction of his enemy necessitates such a step, he will adopt the same methods his ancestor employed when combating his sworn foe--the Indian,--he will ambush his enemy. Much has been said about the cowardice of the mountaineer on that account. We can hardly consider Boone, Kenton, Harrod, Estill or any of the great forerunners of civilization cowards because they fought the foe from ambush. Their method is inherited by the mountaineer of to-day, the pioneer of the wilderness of Southeastern Kentucky. Men have resorted to this method of ridding themselves of an enemy, who at other times exhibited the most heroic courage. I do not mean to uphold crime of any description, but I make mention of this

to show that the peculiarities of the character of the mountaineer are inherent, and not the result of a criminal nature altogether. As will be seen, many of the feudists, of which we speak in succeeding chapters, were men of integrity, honesty and honor; men who would scorn to commit theft or cheat their neighbor, but who could never be convinced that the law had a right to take from them the privilege of avenging the murder of a relative.

The murder of a man is sure to arouse the entire relationship of the dead, and that means more than the casual reader might at first imagine. Mountain families are unusually large; in many counties everybody is akin to everybody else, and thereby hangs a tale. In this fact lies the chief explanation of the feudal wars that rage so frequently in the mountains. Not only does this extensive relationship draw many into the difficulties often originated by only one man, but it hampers the interference of officers, influences the juries, the other side seeing the useless prosecution that would follow if the case was taken into the courts, would prefer to avenge the death of one of their clan by a more certain rifle shot, from the bushes, if necessary.

Thus a conflict once begun is sure to involve the entire county in which it originated, spreading often to other counties, and through timidity of the law-abiding citizens, no matter how great their majority may be, these struggles last often for many years. If, however, the authorities intercede, after all the bloodshed and murder, we rarely hear of a feudist being hanged or sent to the penitentiary. The knowledge



that law is easily evaded, serves to continue the practices of the early pioneers dealing with Indians. The law, by reason of its ineffectiveness to punish crime swiftly and surely, fails to inspire that respect which alone maintains it, and which alone could convert the ideas and principles prevalent in the days of unorganized government. The law is respected by the mountaineer generally as much so as by the inhabitants of the cities. Theft, robbery, rape and arson are rare crimes among the mountaineers. These infractions of the law are frequently punished with the utmost severity. A jury may convict a hog thief upon the slightest proof, while the slayer of a human being is acquitted. This illustrates the theory that the mountaineer refuses to trust his safety and protection to the officers and authorities and seeks to rid himself of danger from an antagonist by killing him.

But why is it that the law is not enforced? Who is responsible for this state of affairs? The answer is this:

The responsibility must be shouldered by the law-making bodies of the State, by the Circuit Judges and Commonwealth Attorneys of the various Judicial Districts, by the juries of the country, and the people. In every chapter of this book, where feuds are described and narrated, the utter incompetency or the willful and flagrant neglect of duty of civil officers must become painfully apparent to every reader. Nothing is more common than to find civil officers disregard their plain duties, either failing to issue process or failing to execute it when placed in their hands for service. Citizens, when summoned to as-

sist in the arrest of offenders, often fail and frequently refuse to obey the summons. Yet no attempt is made to bring these infractions of the law before the notice of the Grand Juries.

Assassination follows assassination, yet the criminals are not arrested, travel the country at will, terrorize those who do not sympathize with them, citizens refuse aid to officers, yet their names are never reported; sheriffs refuse to serve warrants, yet no action is taken against them. Circuit Judges and Commonwealth Attorneys often take sides in the trouble, persecuting one side and assisting the other to evade the penalty of the law. There is but one remedy, and that remedy lies in the General Assembly, the law-making power of the land. Laws should be enacted inflicting the severest penalties for the least violation of prescribed duties of officers, and providing especially for a prompt ejection from office of those who are proven faithless to the trust to which they have been elected by a confiding but deceived people.

Nearly every governor for many years past has advised and recommended the establishment of a department of justice, where the conduct of all State officers may be under continuous observation, yet the Legislature has persistently refused to act upon this sensible suggestion. This department of justice should be directly responsible for all infractions of the law by State officers, while Circuit Judges and Commonwealth Attorneys ought to be held directly responsible for the conduct of the inferior officers in their district, if the Court fails to bring them to speedy justice. By fixing the responsibility primarily in high



places, by attaching the severest penalties and exclusion from office for the least violation of the prescribed and clearly defined duties, there would soon appear a manifest desire on behalf of the highest officers to hold their fat offices by making their inferiors do their full duty.

It is said that in France a railroad accident is a very rare occurrence. This is so because, when one occurs, somebody has to suffer. If the trouble occurs in the conductor's department, that official must suffer, if his subordinate cannot be proven guilty, if in the engineer's department, the engineer must answer. There are no such verdicts as "no blame attached to the officers of the road." The responsibility is fixed somewhere, there is a starting point to investigate from. If the conductor is innocent, then his own interest in getting out of the trouble will assist in tracing the responsibility to the guilty party. They go by the principle, that it is better that one innocent man should suffer, than that thousands be carelessly killed every year. As we have it in Kentucky, it means that it is better for a thousand people to suffer than to bring one guilty officer to justice. An investigation of faithlessness in officials in our State is like playing hide and seek among children, and when the final report of the investigation is read, it seems as if there was not even a charge upon which to base the investigation.

What we need in Kentucky to prevent feuds is not only the scent of the bloodhounds on the trail of murderers, but a determination in dealing with them when they are caught. The difficulty lies as much in over-

coming the squeamishness of juries to the end, that the sentence might be in keeping with the law, as in the capture of the criminals. Even now jurors are selected from the most ignorant class; the man who accidentally reads of a crime in a newspaper is disqualified, so that in many cases only the illiterate class of men can qualify as jurors. The man with no opinion of any kind and on any subject is the man to try the case. Such juries will acquit in the face of overwhelming guilt. It is very common to send a man to the penitentiary for stealing a razor-backed hog, while the same jury would acquit the red-handed murderer.

Before such juries the artful presentations of lawyers would decide a case, evidence and instructions of the court being regarded as mere side-issues. Scores of the vilest criminals escape through the skillful manipulation of technicalities by capable lawyers. After a man is indicted, the first strategic move in the case is postponement of trial from one year to another. The Constitution guarantees every man a speedy trial, but the criminal does not want a speedy trial. His safety is in the wearing out of the prosecution, scattering of the witnesses or continuing the case until a number of them die or move out of the jurisdiction of the Court. The enormous cost incurred by constant continuances makes the filing away of the case desirable; as the years roll by, public sentiment changes in favor of the defendant and he goes free. A speedy trial should be given the accused, whether he desires it or not; the witnesses should be brought into the court whether the defendant has money to



pay the sheriffs or not, and the law should make the dodging of a witness from attendance at court a severe offense, punishable by heavy fine and confinement. As it is, the Court is not respected, his mandates are constantly ignored. The criminal is shielded by the leniency of our laws. The result is the increased boldness of malefactors, an enormous drain upon our public treasury for the useless prosecution of cases that are never to come to an end until time has effectually weakened the prosecution, and softened the verdict.

Is it a wonder then, that outraged communities, seeing the arm of justice weak, resort to Judge Lynch for redress? Is it surprising, that a man, hunted down like a dog by a band of relentless criminals, whom the law refuses, or dares not to molest, at last surrounds himself with friends and strikes back at the enemy? Is it strange then, that we oftentimes find representative citizens engage in a necktie party or in feudal war?

Execute the law and feuds and mobs will cease of themselves. But as long as peaceful citizens are unprotected and exposed to the violence of desperadoes, just so long citizens will take the law into their own hands. We do not believe in feuds, neither do we believe in good citizens being mobbed by clans of remorseless murderers and rapist.

We desire also to call attention to the facts, that not even the conviction of a murderer assures an outraged community of his permanent removal from society. A thief sentenced to the penitentiary stands a good chance of serving full time. The mur-

derer, if by accident convicted for a number of years, enters the walls of the State prison with recommendations in his coat pocket. Hardly has he donned the stripes when petitions for his pardon pour in upon the Chief Executive, and such pressure is brought to bear upon him that he is forced to believe in the justice of a pardon, turns the criminal loose upon the community he has outraged and blighted the hopes and happiness of homes.

The blame cannot be shifted, exclusively upon the Chief Executive, who acts upon the papers before him, and these are, strangely enough, almost invariably signed by the jurors who convicted the criminal, by the attorneys who prosecuted him, by the judge who tried the case. A juror who signs the petition for the pardon of a man, whom but a few months before, weeks only, perhaps, he pronounced guilty of crime, admits the insincerity of his verdict, and when we consider that a juror takes a solemn oath to render a true verdict, the act of asking the Governor to pardon a man whom he voted guilty in the jury room, is perfidy, to say the least.

Another source of bloodshed and strife is the practice of judges to grant bail to the vilest criminal. A Grand Jury returns an indictment for murder, which, under the law, is not aailable offense, yet we know of scarcely one case where the prisoner, if a man of influence, and has friends is not turned out on bail--given the chance to bribe witnesses, suborn testimony or intimidate and drive off the most dangerous witnesses of the prosecution, and thus escape punishment.



It has been suggested and insisted upon, that the only successful method to stop lawlessness in the mountain section is to abolish the troubled counties and attach them to counties where law is rigidly enforced. With this proposition I take issue. Not only is such a course impractical, but unjust.

It is unjust to remove thousands of law-abiding citizens from their county seats and force upon them days of expensive travel to attend courts in obedience to their processes. It is conceded that the majority of the mountain people are good citizens. What they need is assistance from the authorities in over-awing the handful of outlaws that terrorize communities. Provisions for speedy removal of all cases arising from feuds to other counties, speedy trials by disaffected juries and allowing no bail to those accused of murder, thus preventing the resumption of hostilities which almost always follow when they are liberated on bail, would work wonders.

The law should be so amended as to require the jury to determine simply the guilt or innocence of the accused, the Court assessing the penalty. This would do away to a large measure with so-called compromise verdicts and hung juries.

A State Court with a Grand Jury from all parts of the State to investigate and indict faithless officers, would work wonders.

To abolish certain mountain counties for the reasons stated is impracticable, because it would be difficult to find a county in Kentucky that is pure and good and fit to teach obedience to law. Excepting the the feudal outbreaks the mountain counties are no

more given to lawlessness than their sister counties. Every portion of the State has unfortunately had its share of lawlessness, and if we go upon the idea of abolishing lawless counties and attaching them to more peaceful sections, we might as well abolish the State and attach it to Ohio. It is hardly fair to mix the mountain desperadoes with the good people of the Blue Grass who commit crime in such a civilized manner, as for instance, the burning of women near Lebanon, Marion county, Ky., the toll-gate raids, or the bloody election riots at Frankfort. Feuds have raged in the Blue Grass as well as in the Mountains. The Hill and Evans feud in Garrard county lasted for more than a quarter of a century. Besides, the good people of the Blue Grass would hardly appreciate being mixed with mountain feuds, neither will the good people of the mountains willingly form a partnership with the negro lynchers and toll-gate raiders of the Blue Grass.





## CHAPTER III.

# THE GREAT HATFIELD AND M'COY FEUD

[ON THE BORDERS OF KENTUCKY AND WEST VIRGINIA.]

ORIGIN OF THE FEUD.--Fight near the Hatfield Tunnel. Killing of Bill Staton--Killing of Ellison Hatfield. Butchery of the Three McCoy Brothers--Feud Branches Off--Murder of Jeff McCoy--Chambers Escaped--The Tell-tale Bloody Lock of Hair--Quarrel of the Governors--Frank Phillips' Daring Raids--Capture of the Members of the Hatfield Clan--Night Attack Upon Randall McCoy--His Escape--Shooting of Innocent Parties--Burning of the McCoy Residence--Murder of Aliafero McCoy--Brave Defense by Randall and Calvin McCoy--Death of Calvin McCoy. Remarkable Escape of Randall McCoy. Bloody Revenge. Death of Jim Vance. Battle of Grapevine Creek. Killing of Dempsey. List of Casualties. Kentucky and West Virginia Threaten War. Phillips Arrested. The Daring Raider in the U. S. Court. His Acquittal. Phillips' Pluck. The "Bob" McCoy Mystery. Triple Tragedy at Thacker, West Virginia. Cap Hatfield and "His Boy" in the Toils. Cap Hatfield's Story of the Thacker Tragedy. Sentenced to One Year for Manslaughter. His Escape from Jail. Defying Arrest. Battle at "Devils Backbone." Destruction of the Devils Backbone by Dynamite. Cap Hatfield and His Band Escape. Concluding remarks.

No section of the United States has been the scene of more crime and terrible feuds, than the mountain-

ous country along the Tug Fork of Sandy river, the boundary line between West Virginia and Kentucky, and separating Logan, now Mingo county, West Virginia, and Pike county, Kentucky.

Of the many feuds which have raged there, and of which many have extended over long periods, costing the lives of scores of men, none have equaled in ferocity the terrible, bloody and long continued Hatfield-McCoy feud, during which crimes of such revolting nature were committed, that we can scarcely realize that we are living in a country which boasts of superior civilization, a country peopled with Christian men and women, and governed by wholesale laws.

We read in stories of daring deeds of the Italian banditti, shudder at the stories of the bloody Corsican and Sardinian Vendettas, and at once give way to supreme disgust and contempt at the weakness of the Italian government which, with its thousands of soldiers at its command, was unable to cope with a straggling band of cut-throats. Yet almost in the center of the mostly densely populated portion of the United States a war is waged between citizens of a common country, lasting for many years before the first attempt is made to uphold the law. Two States looked idly upon bloodshed and crimes of the most revolting nature. Two States with thousands of brave men, willing to defend and uphold the dignity of the law, complacently watched the red flag of utter anarchism flutter in the breeze. Had this feud come suddenly and died again, there would have been some excuse, but this Americanized vendetta covers a period of many long years, sometimes abating in fury only



to gain new power and to break out with increased virulence and ferocity.

Newspapers were filled from time to time with accounts and recitals of deeds so harrowing as to cause the reader to regard these articles as the work of fiction, the product of the brain of an unscrupulous dime novel writer, still the half has never yet been told.

The utter disregard for human lives, the daring raids and glaring lawlessness under the eyes (?) of the law, the savage cruelty exhibited on many occasions, and all this in the very midst of Eastern civilization, could not fail to attract the attention and arouse the indignation of the American people. To add to the disgrace, came the sorry spectacle of a disgusting quarrel between the Governors of West Virginia and Kentucky, the Chief Executive of West Virginia refusing to join hands with Kentucky in suppressing the war, and openly championing the cause of the red-handed murderers of his State and throwing the arm of protection around them.

The region in which this war raged so long, and with such unprecedented fury, is mountainous, far removed from the commercial arteries of the land; its inhabitants untouched by the civilizing influences of railroads, uninfluenced by modern ideas of man's duty to man, ignorance prevailing in a truly astonishing degree. Courts exercised no authority; their decrees and orders were laughed at and ridiculed. If a man imagined himself wronged by another, he sought redress in his own way. He scorned to appeal to the law, because he knew from experience, that the law

had no power, no force, and could not maintain its dignity. The natives of that region tried a case in their own minds, and if it appeared that the wrong doer deserved death, they acted as executioners, using the rifle or knife, and dispensing with court trials, juries and lawyers.

The contesting factions in this feud lived on opposite sides of Tug river, a tributary of Sandy river. The head of the McCoy family, Randall McCoy, lived on the Blackberry branch of Pond creek, in Pike county, Ky., while near him and just opposite and across Little Tug river, in Logan county, West Va., lived Anderson Hatfield, or "Bad Anse," or "Devil Anse Hatfield," the head and leader of the Hatfields.

Both families were extensively related, their "kin-folks" living all around them, and actually forming the greater portion of the entire population inhabiting Logan and Pike counties.

It is a peculiarity of the mountaineers, that they are usually related to a great portion of the people of the county. This is due to the fact, that in these regions, remote from the outside world, strangers rarely settle, and those families intermarry to such an extent that most of them can claim a large "string" of relations, comprising half the population of a county. This was the case in the Hatfield and McCoy settlement. These "relations" almost invariably stand by each other in time of danger, and their leader has but to wink or speak the word, and by his side would stand a small army of well armed, resolute men, ready to obey his command.

The enmity between the Hatfields and McCoys



dates back to the dark days of the civil war, during which the Hatfields kept an organized band of raiders, ostensibly for the purpose of protecting property from invading marauders. The McCoys supported a similar band, and frequently it happened that the rival bands, which in time became a greater scourge than the marauders of the Northern and Southern armies, upon whom they placed the guilt of their own crimes, would cross into each other's territory, increasing the aversion between the two rival families to a deep-rooted hatred. For a time there existed an outward friendship between the heads of these families, but the younger generations succeeded less in subduing their passions, and it required but a slight pretext to start trouble.

#### A HOG STARTS THE TROUBLE.

A few sharp-nosed, razor-backed, long-legged hogs are the indispensable adjunct of every well regulated mountaineer family. The porkers run wild in the woods, subsisting on the mast, are usually hunted up and driven home late in the fall when they are supposed to be fat. If one of these hogs is missing and found in the possession of another than the rightful owner, woe unto him. A Circuit Judge in Kentucky made the very appropriate remark, that a hog was of more value, or seemed to be of more value in Kentucky, than a man's life. There is a good deal of truth in his sarcasm. More men are acquitted for murder than of the crime of hog stealing. A few of these unseemly, fox-chasing porkers became the immediate, but, of course, entirely unintentional cause of the conflict, which cost so many lives and disgraced two States.

Some time in the early seventies Floyd Hatfield, since then known and nick-named "Hog Floyd" Hatfield, drove a number of hogs from the forest and penned them up in a lot on Tug river, near a place called "Stringtown," a few miles above Williamson, the county seat of Mingo county, West Virginia.

A few days afterwards Randall McCoy, from the Blackberry fork of Pond creek, in Pike county, Kentucky, and the head and chief of the McCoy faction, passed the lot spoken of, and upon examination of the hogs thought to recognize them as his property. Randall McCoy demanded the delivery of his property, but Floyd refused to give them up. A quarrel ensued, the old rifles were brought into requisition, but no one was injured.

McCoy now brought an action before the authorities, and the trial came off at Raccoon Hollow, a little village twenty miles down the valley.

"Deacon" Hatfield, a distant relative of Floyd Hatfield, was the Justice of the Peace. Both sides were numerous on the ground, and armed for any emergency. Though the trial lasted but a few hours there occurred many things which convinced those acquainted with the Hatfields and McCoy's, that trouble was brewing. Rocks were thrown during the proceedings, and more than once open hostilities seemed inevitable. Randall McCoy made an impassionate speech to the jury, in the course of which he charged several of the Hatfields with perjury, especially one Bill Stayton, who became greatly incensed and made an attempt to strike the old man, but was prevented by the presence of McCoy's sons. It is needless to



say that McCoy lost his case, tried as it was, by a Hatfield.

A few days after the trial two of Randall McCoy's sons and himself came upon Floyd Hatfield, Deacon and Ellison Hatfield and Bill Stayton. Hardly were they in speaking distance when the hog trial was brought about, and an animated discussion, interpolated with many oaths, ensued. Randall McCoy, still sore over his defeat at the trial, accused Deacon Hatfield of unfairness and bitterly denounced Stayton as a perjured scoundrel. A general fight followed, during which Randall McCoy was knocked down, and he and his sons, finding themselves outnumbered and unable to cope with their furious adversaries, beat a hasty retreat.

But a short time after that one of the McCoy's was suddenly attacked by Bill Stayton, who seems to have preferred stones to guns, as with one well directed throw he brought McCoy to the ground, badly injured and unable to defend himself, was compelled to suffer himself knocked and bruised and beaten into a jelly. "Devil Anse" boasted that more than week afterwards blood could be seen on the rocks where McCoy received the beating. The boy, hardly conscious, and weak from loss of blood, succeeded in reaching home, where the news of the attack created much excitement. Matters now assumed deperate aspects. A meeting of the members of the rival factions was sure to result in a fight. One of these encounters occurred on the banks of Tug river, near the "Hatfield Tunnel." Two of the McCoy's, Floyd and Calvin, brothers, were floating down the river in a

boat, when they were suddenly confronted by Pill Stayton and his brother John. No sooner had the parties caught sight of each other, when the Stayton brothers opened fire upon the boat from behind trees. Thick and fast the balls flew around them, dashing water into their faces. The McCoy's made for the opposite shore, and, seeking the shelter of trees, also opened fire. Ammunition soon becoming exhausted, both parties finally withdrew, none being injured. For a year the factions succeeded in keeping out of each other's way. In the following summer, 1876, Randolph McCoy's boys came upon Bill Stayton, who was alone, and at once attacked him, beat him almost to a pulp, and then turned him loose. Stayton was a powerful man, and ever after that, when he came upon a McCoy singly, he would pound him until he was tired. Among the many he had thus punished were Sam and Paris McCoy, nephews of Randall.

#### KILLING OF STAYTON.

Some time during the year 1880, Stayton, Sam and Paris McCoy met on the West Virginia side, about one mile below the Hatfield Tunnel. Stayton, upon sight of his enemies, at once prepared for battle. He rightly guessed, that the boys would show no mercy to the man who had time and again beaten and injured and insulted them. He now sought safety in dropping them before they had an opportunity of beginning the attack. Leaping behind a bush, he broke off the top, and, resting his gun upon it, took aim, fired, and Paris fell to the ground, severely wounded in the hip, but almost the next moment sprang to his



feet and shot Stayton in the breast. The two men, though badly wounded, came together in a hand-to-hand struggle. Wounded tigers could not have fought with greater rage and ferocity. Their weapons being useless, they fought with their teeth. Paris' cheek was frightfully bitten. It was evident that Paris could not hold out against the superior strength of Stayton, and Sam rushed to his brother's assistance, armed with an old-fashioned cap and ball pistol. It was some time before he dared to shoot for fear of killing his brother, but when the opportunity came, he pulled the trigger. At the crack of the pistol Paris felt himself released from the grasp of his enemy--Bill Stayton rolled over in his last struggle, the brains oozing from his head.

Stayton's body was found a few days later and buried. Suspicion at once centered upon the two McCoy boys. Paris readily surrendered himself to the West Virginia authorities. He was given an examining trial before Valentine Hatfield and James Ivens, two Justices of the Peace, and released, there being no evidence of consequence against him, Sam being the only witness to the affair and he had fled to the hills, eluding the officers for nearly a month, when he, too, was arrested by Elias Hatfield. He was indicted by the Grand Jury of Logan county, and tried in the Circuit Court before Judge McGinnis and acquitted.

The acquittal of the McCoy boys for the killing of Stayton, Hatfield's friend, relative and companion in arms, was like pouring oil upon raging flames, and trouble would have occurred at any moment but for

the intervention and influence of a candidate for office in Pike county, Ky., for whose election the McCoy's worked like beavers on the day of election. The candidate was an intimate friend and relative of the Hatfields as well, and they too came from their homes in West Virginia to assist him.

Thus we have the strange spectacle of seeing two factions, mortal enemies, work hand in hand for the election of a common friend. This circumstance for a time promised to heal the rupture, when, suddenly, the flattering prospects of peace and harmony were ruthlessly destroyed.

Rosanna McCoy and Jonce Hatfield were lovers, and for a time the peace was kept up by the leaders of the two families through paternal motives, but even this could not last long. The McCoy boys resented the attentions paid by their enemy to their sister, and when Hatfield disregarded the plain admonitions to cease his courtship, and continued his visits, the McCoy's took advantage of the many indictments pending against Jonce in the courts. Ostensibly to bring him to justice, but in reality to prevent his continuing the courtship with Rosanna, two of the McCoy's, accompanied by a number of friends, set out to capture the obnoxious Jonce Hatfield. Having ascertained the time and place of the meeting of the lovers, the McCoy's watched. The unsuspecting trysters were suddenly interrupted by the stern command, "surrender!" Jonce saw himself trapped, and was too sensible to attempt a useless and foolish resistance, which would only have resulted in his death. He surrendered without a murmur and his captors hurried him off. Ro-



sanna, however, was not one of those delicate women who faint at everything. For the rescue of her lover, she was willing to risk much. As soon as her brothers had left, she hastened to her father's barn, secured the best horse, and in the black night, at break-neck speed, over roads dangerous to travel in daylight, she rode to "Devil Anse" Hatfield's house, aroused the household and explained what had happened. In a wonderfully short time the Hatfields collected a strong band of resolute men, and, by a forced march, and taking advantage of by-ways, succeeded in cutting the McCoy party off. Jonce Hatfield was released, the McCoy's losing one man in the short but decisive encounter.

The daring deed of Rosanna McCoy won for her the friendship of the Hatfields, while her own family was so enraged at her conduct, that they refused her shelter at home, and for nearly a year she resided among her father's enemies, only to be finally neglected by him for whom she had risked so much, and at last driven away, she was compelled to return to her parents, who reluctantly forgave her.

(Many conflicting stories have been published concerning this love affair. Some writers claim that Rosanna was abducted and kept a prisoner by the Hatfields to force her into a marriage with Jonce. In the pursuit and attempted rescue of the girl several writers have described battles, which never occurred, and given the names of men having been killed which never existed. I think the version of the affair given above is more in accordance with the facts. Romantic love affairs have been inserted in the different ac-

counts of this feud with no regard to truth.)

After this, "Cap" Hatfield became conspicuous as the leader of the Hatfields. Under his leadership bands of armed men scoured the valley, and occasionally made short excursions into the territory of the McCoy's. Repeatedly the members of the McCoy family were shot at in their houses, and it became necessary to keep their homes constantly surrounded with sentries to prevent a sudden attack. The Hatfields, up to this time, seemed much superior to the McCoy's in point of marksmanship as well as numbers. Many of the McCoy's were wounded from time to time. In plain view of the McCoy home, just beyond range of an ordinary rifle, lay a huge boulder, shaded by trees and bushes. Here the Hatfields were wont to almost daily congregate to drink whisky and tantalize their enemy, whose guns would not carry that distance, while some of the guns of the Hatfields, under a double charge of powder, would sometime spat against the door of the McCoy house or shatter a window, and the drunken band upon the rock would set up a derisive, triumphant shout. The McCoy's tried in vain to dislodge them. Finally, after one of these unsuccessful volleys, Randal McCoy secretly purchased a few of the deadly Winchester's. Armed with these new weapons the tables turned. On the first opportunity the McCoy's opened fire upon the exulting Hatfields on the rock. Hank Hatfield and several others were killed or wounded to the surprise and utter consternation of the Hatfields, who believed themselves beyond range.



## ELLISON HATFIELD SLAIN,

Matters moved along in this manner until the year 1882. In the race for county office in Pike county was a relative and friend of both factions. As on a former election, the factions met on election day to work for their man. It was the custom years ago, even now to some extent, though considerably restricted by law, to supply voters with copious quantities of whisky. A candidate refusing or neglecting to do his part in that line was sure to lose many a thirsty voter. On this occasion "moonshine" whisky was on the ground in profuse quantities. Both the Hatfields and McCoys imbibed freely, and during the afternoon became boisterous and belligerent, and the slightest pretext sufficed to bring about difficulty and stir up the strife. The occasion for opening hostilities was furnished, when Talbot McCoy approached Elias Hatfield, commonly known as "Bad Lias" and demanded payment of an old debt. A quarrel ensued, and suddenly McCoy threw Hatfield upon the ground and began to pound him. The struggle at once attracted the friends and kindred of the belligerents. The officers made an unsuccessful attempt to separate the combatants. Ellison Hatfield, now drunk and enraged beyond reason, challenged Talbot McCoy to fight a man of his size. Talbot turned and faced his foe, who, quick as a flash, drew his bowie knife, and the two clinched. The struggle that now followed was as sanguinary as was ever fought between men. Tigers never fought in greater rage and with more fierceness. Both men were physically equal. Hatfield succeeded in stabbing Talbot McCoy once, when

the knife shut up in his hand. Unable to open it again, he threw the useless weapon away and depended on his fist. Talbot used his knife with terrible effect,

#### PLUNGING THE COLD STEEL

Again and again into the body of his adversary, while little Bud McCoy, a mere lad of nine years, stabbed Hatfield at every opportunity.

Though horribly slashed, Hatfield was yet strong. With an almost superhuman effort he threw Talbot to the ground, and, seizing a large, jagged rock, raised it to strike a fatal blow, when the pistol in the hands of Farmer McCoy fired and brought Hatfield to the ground.

Farmer McCoy did not remain to see the effect of the shot. He fled precipitately up the road, dropping his weapon, pursued by Constable Hatfield, while Elias Hatfield emptied his pistol at the fugitive, none of the shots taking effect.

Farmer (Dick) McCoy, Talbot and Randolph McCoy, Jr., were captured. While the struggle between Talbot and Ellison Hatfield was going on in the street, several minor fights between the other members of the factions were going on in every part of the village. Floyd McCoy and Ellison Mounts chased each other through storehouses and dwellings, firing at each other as they ran. Both were slightly wounded. Dick McCoy was being pursued by two Hatfields for some distance, and though being fired at a dozen times, was not wounded. Suddenly he found himself cut off by others of his enemies, was struck down with a club and held captive. When Ellison Hatfield was



shot and fell to the ground, Talbot, seeing his antagonist helpless, now turned to leave. In the excitement during the battle with Ellison Hatfield he had no time to think of the other Hatfields, but now as he thought himself out of danger, he found himself surrounded by a large crowd of his enemies, who rushed upon him, and bore him to the ground. But with wonderful strength he threw off his assailants, slashed right and left with the terrible bowie knife, forcing his enemies to fall back. This struggle continued until Talbot was struck down by Elliot Messer.

The three McCoy brothers, now in the hands of their mortal enemies, were taken across the border into West Virginia, and given into the keeping of "Squire" Valentine Hatfield, one of their relatives. The Hatfields returned to the village to await the result of Deacon Ellison Hatfield's injuries. An examination of his body showed six cuts and slashes and one gunshot or pistol shot wound. Meantime the unfortunate prisoners had been confined in an old, unoccupied cabin, constantly subjected to indignities and horrible tortures.

#### HORRIBLE MASSACRE OF THE M'COY BROTHERS

On Wednesday morning a swift messenger, who had been stationed at the bedside of the wounded Hatfield for the purpose of informing his avengers of his death, the moment it came, arrived at the cabin and conveyed the news of Hatfield's death to the expectant members of the band. The Hatfields, Charlie Carpenter, a school teacher, who had enlisted in the cause of the Hatfields, three brothers by the name of Mahon, 'Squire Hatfield, Ellison Mounts and others

at once notified the McCoy's, that the sentence of death had been passed upon them, an announcement, which did not surprise them, since from the moment of their capture they gave up all hope of liberation, except by a rescue of their friends, and even this hope vanished, as, hour after hour new bands increased the already strong force of the Hatfields, until they numbered more than a hundred well armed men. The mother of the boys and the wife of Talbot pleaded pitiously for their lives; their wailing and indescribable grief and distress might have melted stones, not the hearts of the Hatfields. It is a matter of just comment, that none of the McCoy's made the least effort to rescue their doomed comrades from a fate more horrible than pen can describe.

When night came the prisoners were taken to the Kentucky side to a place

WHERE DOGS HAD BEEN KILLED AND LEFT TO ROT.

In the center of the carcasses, from which rose a most horrible stench, the brothers were tied to a bush, Around them stood the throng of relentless, blood-thirsty Hatfields. There was not one spark of sympathy for the unfortunate man and boys. Then Charles Carpenter stepped forward, drew his pistol and shot Farmer McCoy in the breast and other parts of the body. Ellison Mounts then raised the long hunting rifle, and, taking aim as he would at a squirrel, fired upon Talbot, blowing his brains out, while young Randolph was left to moan amid the horrible surroundings. Will they spare him? The murderers had retreated to some distance. They soon repented of their clemency. They argued that the boy



knew the assassins, and that it would be folly to leave such a terrible witness to tell the story. Elliot Messer, a heartless wretch, volunteered to complete the horrible butchery, and returning to the scene of this wholesale execution, with a double charge of buckshot

BLEW OFF THE HEAD OF THE YOUTH.

The entire band then fired volley after volley into the three lifeless bodies. I said the entire band. This should be corrected. "Hog" Floyd Hatfield did not participate in the murder, claiming that his religious scruples did not permit him to participate in it. Good man, (?) he stood picket while the butchery was accomplished. In this manner the death of Ellison Hatfield was avenged.

The bodies were found during the night, and on the morning following the coroner, Joseph Hatfield, empanelled a jury which returned a verdict that Talbot, Randolph and Farmer McCoy had been shot to death "by persons unknown." Suspicion, however, centered upon Charles Carpenter, the three Mahon brothers, Ellison Mount, Elliot Messer and many others, and they were all indicted in the Pike County Circuit Court. Rewards were offered by the Kentucky authorities, and at one time the feeling between the two sister States became so intense that war was threatened, neither Governor recognizing the other's requisition papers.

With the brutal murder of the McCoy brothers, the McCoy's seemed to have lost their former resolution and courage, and the less they evinced a desire to renew the feud and avenge the triple murder, the more desperate and aggressive grew the Hatfields. The

McCoy's were fired on at all times, several of them being shot and one or two dangerously wounded while at work reaping oats. "Devil Anse" and "Cap" Hatfield now planned

#### THE ANNIHILATION OF THE M'COYS

By first depriving them of their old leader, Randall McCoy. In the month of June, 1884, the old man was summoned to appear in the court at Pikeville, and of this fact the Hatfields were accurately informed. Knowing full well the route he would and must take to reach the county seat, an ambush was prepared at a suitable spot. A mistake saved the old man's life at that time. Two other men from the same neighborhood, also witnesses at court, started for Pikeville on the same day, and by a strange coincidence they were dressed almost precisely like Randall McCoy and his son, Calvin McCoy, who accompanied him. On the return home the McCoy's were somewhat belated and were far in the rear of these two men referred to, who, when they passed the ambush, were fired upon. Both men were shot from their horses, one of them being rendered a cripple for life. The horses were killed. The Hatfields, fully confident, that Randall McCoy was no more, fled and crossed over into West Virginia, rejoicing at their deliverance from the hated enemy. How great must have been their chagrin and disappointment, when, a few days later, they learned of their mistake. But, men like the Hatfields, are not easily discouraged. The failure only spurred them to greater efforts to accomplish their dastardly design.

Some time in the year 1886, Jeff McCoy shot and



killed Fred Walford, a mail carrier, and finding the Kentucky officers hot on his trail in Kentucky, fled into West Virginia. He found a home at the house of Jonce Hatfield, his brother-in-law, who had left his parental roof, and of late had ceased to take much interest in the feud.

#### THE FEUD BRANCHES OFF.

Although Jonce had not entirely forgotten the past difficulties, for the sake of his wife he sheltered the fugitive.

Near by lived Cap Hatfield and a man by the name of Tom Wallace was working there as a farm hand. Jeff McCoy had been at Jonce's house but a short time when he learned of the presence of Tom Wallace, and trouble began. As we have seen, several attempts to take the life of Randall McCoy had been fruitless. Cap and "Devil Anse" grew suspicious, and believed that there was a traitor in their camp. Suspicion was fastened upon the wife and mother of Bill Daniels. In the dark of night the house of Daniels was entered by Cap Hatfield and Tom Wallace, and while Cap covered the man, Tom Wallace brutally beat the women, Daniels' wife finally dying from her injuries, and the old woman being made a cripple for life. Daniels' wife was a sister of Jeff McCoy, who hunted the murderer for some time, but Wallace finally disappeared, and McCoy had lost all trace of him until he accidentally found himself almost next door neighbor to the murderer of his sister. Jeff McCoy was overjoyed at finding his old enemy in his power, and on the 17th day of November he secured the services of one John Hurley, and together they went in search

of Wallace at the home of Cap Hatfield. Cap was absent, being then at Charleston, and during his absence his wife had become very ill and was confined to her bed. When McCoy and Hurley arrived at the Hatfield residence, Wallace was chopping wood. Suddenly a voice called upon him to surrender, and, on looking up, found himself covered. McCoy demanded his surrender, ostensibly for the purpose of taking him to Kentucky, where some indictments were pending against him, but in reality to remove him out of the reach of the Hatfields, and to punish him as they deemed fit. Wallace was shrewd, however. He readily surmised the true intention of his enemy, and fully convinced that he could have no mercy from the brother of the woman he had so brutally murdered, attempted to risk escape, and started on a run, but he was immediately shot. Wallace was not disabled, however, and succeeded in entering the house, from which he

#### FIRE UPON HIS ASSAILANTS.

By this time McCoy and Hurley were firing rapidly, and several balls lodged uncomfortably close to the sick woman, who lay helpless in her bed. Wallace at last succeeded in driving off his would-be captors. As soon as Cap Hatfield returned home, Wallace swore out a warrant against McCoy and Hurley, and placed it in the hands of daring Cap Hatfield, who had secured his appointment as special constable. Cap was not long in finding his men. With the most remarkable coolness and deliberation he approached them both, covered them with his pistols, and ordered Hurley to throw down his weapons and to disarm and tie



Jeff McCoy. This capture was the more daring since Jeff McCoy was generally recognized, and had, on numerous occasions, proved himself a dangerous and determined man. Immediately after the capture Hatfield started to Logan C. H. with his prisoners. On the way he was joined, no doubt by previous appointment, by Tom Wallace, and together they proceeded to Thacker, a small village on the way. There a short halt was made and the prisoners were for some little time left to themselves, and this opportunity McCoy used in cutting the thongs that fastened his hands, by means of a knife held between his teeth. The moment he felt the use of his arms, he started on a run for Kentucky. His escape was almost instantly perceived by Tom Wallace, who now opened fire upon the fleeing man. McCoy had already reached the Tug river and was swimming for life. The balls fell thick and fast around him. Yet untouched he reached the Kentucky shore and climbed the steep banks of the opposite side, when another shot rang out, the fugitive

LEAPED INTO THE AIR AND FELL DEAD UPON HIS FACE, shot through the heart. There is but little doubt, that McCoy was given this opportunity to escape with the avowed purpose of killing him. Hurley was immediately liberated, while Wallace, supplied by Cap Hatfield with money and firearms, made his escape, but was at last captured in the following spring by Dud and Jake McCoy, brothers of Jeff McCoy. Before his trial he succeeded in breaking jail. Again he appeared at Cap Hatfield's home, and once more he was supplied with the means of effecting his escape. He fled to Virginia. For some time all trace of Wal-

lace was lost. Unwilling to turn to honest labor for support, he engaged in the illicit sale of whisky, a traffic which caused his apprehension by the authorities. He was fined and thus his name became public. The McCoys now being sure of his whereabouts, determined to see him punished, offered a reward of three hundred dollars for his capture or death. "Kentucky Bill" and Dave Stratton immediately started in search of the so much desired fugitive. Within a short time the two pursuers returned to Kentucky and claimed their reward. Where was the prisoner? Their answer was the production of a bloody lock of hair. No further question was asked. The reward was paid. It is not presumable that Stratton and "Kentucky Bill" played a game of deception. Wallace was never heard of after this.

#### THE QUARREL BETWEEN THE GOVERNORS.

During the year 1887 Governor Simon Bolivar Buckner offered large rewards for the capture of Cap Hatfield, "Devil Anse," Jonce, Floyd and "Val" Hatfield, Tom Chambers, Ellison Mounts, the three Mahon brothers, and Charles Carpenter. The rewards offered by the State were supplemented by the McCoys and their friends who were anxious to assist in bringing the infamous butchers of the three McCoy brothers to justice. Though the rewards were tempting, some time elapsed before any one dared to earn them.

Governor Buckner had every reason to believe that he would be readily assisted in his attempt to restore peace along the borders by the authorities of West Virginia, but what was his surprise when he found his efforts



suddenly blocked and thwarted by the Governor of West Virginia, who refused to recognize and honor the requisition papers issued by Kentucky's Chief Executive. This was enough to anger the old "war horse," Governor Buckner, and put him on his mettle. A salty and exceedingly spirited interchange of notes followed. The complications between the Governors grew very grave and bitter, and for a time an open declaration of war seemed imminent. By this quarrel matters in the two counties did not improve. While the Governors fought each other on paper, actual, bloody warfare continued unremittingly between the two hostile factions. While law-abiding citizens of the sister States were earnestly hoping for a speedy adjustment of the difficulties between the Governors, the news of a night attack upon the family of Randall McCoy, the brutal murder of his daughter, Aliaferro, and his son Calvin, and the burning of the residence horrified the people throughout the land. The awful crime was at once laid at the door of the Hatfields, and that the suspicion was well founded was proven by the confession of Ellison Mounts, who confessed to the murder of the McCoy girl, and implicated several of the Hatfield clan before taking his final plunge into eternity on the gallows at Pikeville, Ky.

#### NIGHT ATTACK UPON THE M'COY HOUSE.

The repeated escapes of Randall McCoy exasperated his sworn enemies beyond measure, and a final "coup" was determined upon. For this purpose the leaders collected every available man, increasing the force to such a large number that their victims, once

surrounded, would have no possible avenue of escape.

In the dead of night, January 1, 1888, Cap Hatfield and his heartless confederate, Jim Vance, led their assembled associates in murder and arson to the farm of Randall McCoy. On New Years night, when every man and woman in the land should look back upon the past and regret the many follies committed, the wrongs done during the year that has gone out, when good resolutions should fill every heart, and their practice should initiate the new year, on that night this band of heartless assassins prepared to and did inaugurate another year of bloodshed and horror.

Silently and with the stealth of Indians this band of deperadoes approached within a short distance of the doomed homestead. The circle of assassins shut off every avenue of escape. It was not their intention to attack the house and put to death their unsuspecting victims by a few well-directed shots. No! The cruel Jim Vance could not submit to such an act of mercy.

#### HIS ENEMIES MUST BURN,

or, when driven out by the flames, be made to feel the impossibility of escape, and to entertain their murderers by the agonies of distress and terror. They must have sport with their victims, as the cat that plays with the mouse before feasting upon it.

Within all was quiet. The inmates were all wrapped in slumber, perhaps enjoying pleasant dreams, unconscious of the awful fate in store for them. Without, through the gloom of the cold January night, a half dozen shadows fitted to and fro, approaching and completely surrounding the house.



On one side of the building a match is struck, and in another moment a pine torch cast a lurid light through the darkness, and the hands, that hold the torch, touches the low, dry roof of shingles and sets it a fire. There suddenly is commotion in and about the house. Crack! Crack! the shots ring clear and in rapid succession, then a piercing scream is followed by the dull thud of a body upon the "punching" floor. Ellison Mounts had well obeyed Jim Vance's orders.

In one of the rooms had slept the three girls, when a knock on the door awakened them, and Aliafero McCoy stepped to the door and opened it in answer to the knock. Scarcely was her form exposed in the doorway, when Ellison Mounts fired point blank at her

BREAST AND SHE FELL HEAVILY UPON THE FLOOR. At the same time a heavy fire was poured into the house through the windows and doors. The flames on the roof had been noticed by Randall McCoy, who succeeded in arresting their progress for a time by throwing water upon the flames from within. When the water gave out, he used the buttermilk, a considerable quantity of which happened to be in a churn, and as one of the assassins, Tom Mitchell, seeing that the fire was about to go out, reached up to renew it with his torch, he shattered the hand that held the fire brand with a well directed shot from his rifle.

Mrs. McCoy, from her own room, could hear the groans and shrieks of agony of her wounded daughter. What terrible moments of unutterable misery and despair! Surrounded on every hand by a cruel,

heartless band of cut-throats, the house on fire over her head, her husband and son heroically prolonging the inevitably useless struggle; in the other rooms her daughters, one of whom, her pet, her darling child, struggling in the agonies of cruel death, calling for her mother, who might relieve the pain, or at least comfort her by her presence in the last and final struggle,--will she succumb to horror? No; a mother's love braves every danger for a child. Where men would shrink in terror and fear, a mother will heedlessly rush on if it be for the safety and protection or rescue of a child. The mother hurriedly opens the door and faces the bullets that greet her. A few more steps would have brought her to the room occupied by the girls. But now her progress is rudely interrupted by the inhuman wretch, Jim Vance, who struck

## BLOW AFTER BLOW

upon the unprotected head of the old woman with the butt of his rifle and felled her to the ground.

In the meantime Calvin McCoy and his father opened fire upon the assassins that surrounded the house. But the flames again made headway and the smoke became unbearable, especially in the attic where Calvin was concealed. He returned to the lower room, opened the door and ran out into the night, hoping that the darkness would favor his escape. But he had been seen and a dozen shots at the time were fired upon him. It was a race for dear life. Incessantly the deadly Winchesters cracked and yet he was unharmed. The balls whistled around him, above him, or plowed the dirt at his feet. If he could only reach the corn crib he might there prolong the strug-



over gle. Perhaps help might arrive. The crib was built  
ing of heavy logs and high, and would make an admira-  
rooms ble fort. The distance from the house to the coveted  
rling shelter was but a hundred yards, and already he had  
call- covered one-half, now three-quarters of the distance,  
or at and was yet untouched. Bravely he struggled on,  
l final though almost exhausted from the awful exertion, he  
moth- bounds forward like a hunted deer. A few more leaps  
e men and he reaches the crib, throws up his hands and sinks  
heed- to the ground dead, his clenched fist touching the  
ion or walls of the building he strove so manfully to reach.

is the The struggle at the house must soon abate. The  
more flames spread to every part of it. The mother, who  
ed by had regained consciousness, now struggled to her feet,  
raptured and, assisted by the other daughters, succeeded in  
dragging the body of Aliafero from the flames. But  
where is Randall McCoy? The direction of his where-  
abouts is indicated by the flashes of the guns that are  
being fired after him as he runs in an opposite direc-  
tion to that taken by his unfortunate son Calvin.  
This explains the sudden departure of the raiders  
from the house. They are in pursuit of the old man.

#### LIKE HUNGRY WOLVES

to the they start upon his trail, yelling, cursing and firing  
to the as they ran. But Providence was once more kind to  
escape. the old man; the old fox was sharper than the hounds  
e time that hunted him. He escaped, and the assassins, crest-  
e. In- fallen, furious at the failure of their mission, with-  
yet he drew, leaving behind them their work of blood and  
, above destruction, the burning home of Randall McCoy, a  
ld only mother weeping for her daughter and her son, and  
strug- suffering additional agony on account of the uncer-

tainty of her husband's fate, while the sisters of the slain stand tearless, motionless, paralyzed and dazed with horror, gazing upon the scene of utter misery, destruction and death. The Hatfields had gained another victory. True, they did not succeed in murdering the old man Ran McCoy, their enemy and hated leader of the faction, but they have blighted his hopes and broken his spirit. They have deprived him of his brave son Calvin, and cruelly butchered his unoffending daughter. But her blood cried out to God for vengeance over the Hatfields with drawn sword and struck them down, one by one, in battle or on the gallows.

The news of the horrible crime created intense excitement and horror throughout the land. By many the newspaper accounts of the tragedy were regarded as the work of fiction. It could hardly seem possible that such horrors would occur in our day of enlightenment and culture and in the heart of Eastern civilization; but it was true, and it was also true that the Governor of West Virginia yet petulantly refused to permit the capture of the Hatfields within his territory; in the face of such horrible crimes, he yet refused to join hands with the Governor of Kentucky in putting an end to a struggle which had become a byword for cruelty throughout the United States. Thus matters stood, when a new actor stepped upon the scene of the drama. Frank Phillips, as

FEARLESS AND DANGEROUS

a man as ever walked upon the soil of Kentucky, at last came to the rescue of the hunted, scattered and almost totally demoralized McCoy's, and under his



superb leadership, succeeded in inspiring them to resolutely meet their old-time enemy.

Phillips was anxious to win the rewards offered by Governor Buckner, of Kentucky, and had for a long time patiently waited for the Governor of West Virginia to honor the requisition papers issued by Governor Buckner. But as time passed on and there was no prospect of an early settlement of the trouble between the two executives, Phillips grew very restless. When the news of the horrible night attack reached him he was not the man to let the blood of Aliafero McCoy cry in vain for vengeance. Regardless of the law he organized

#### A BAND OF TRUSTY FOLLOWERS,

and from that day on there was no longer any rest or safety for the Hatfields. Ever since Governor Buckner had offered the rewards, a number of detectives had considerably annoyed them, and to prevent surprise, built several strong fortified camps, selecting locations which made assault extremely dangerous. Phillips well knew of these forts, but he cared little for them. He had a system of tactics entirely of his own, and future events proved how well he was qualified to carry out his self-assigned task. Within just one week from the time of the famous night attack Frank Phillips and his daring band raided West Virginia, striking blow here and there, dashing upon the enemy at the most unexpected time and place. To describe in detail the many daring raids of Phillips and his band, the many hand-to-hand conflicts he fought would fill a book. Suffice it to say that upon returning from his first raid he lodged in the county

jail of Pike county, Ky., "Val" Hatfield, Ellison Mounts and eight others of the Hatfield clan.

Of these, Mounts and "Val" Hatfield expiated with their lives their many crimes, while the three Mahon brothers and Elliott Messer were sent to the State penitentiary for life. The others, after many months of incarceration, being stripped of all they possessed in fighting the courts, were turned loose penniless and crushed. The capture of Ellison Mounts was fortunate indeed, as after his conviction and death sentence he made a clean breast of many things which otherwise might have remained an unfathomable mystery for all time to come. The conviction of many of the Hatfields was due to his confession, which revealed in detail the harrowing deeds in which he participated.

A more degraded criminal than Ellison Mounts never stepped upon or adorned a gallows. Ignorant as the savage of interior Africa, he had absolutely no conception of the magnitude of his crime, nor did the immediate presence of death excite even for a moment the least sincere repentance. He was a criminal by nature, entirely unsusceptible to even the remotest ideas of right and wrong, of morality, civilization or religion.

ALMOST AN IDIOT,

he was the ever willing tool of his shrewd and cunning confederates. No matter how abominable the crime proposed, he was ready to execute the orders of his leaders without hesitation, and could look upon the mangled bodies of his victims without compunction. His execution was indeed a boon to humanity.



After this first successful raid the impetuosity of Phillips could no longer be restrained despite the edicts and threats of Governor Wilson, of Virginia. Hardly had his ten prisoners found a safe lodging behind prison bars at Pikeville, when the daring raider and his band again invaded the Hatfield territory. On the line of the two States, while climbing the steep slopes of Thacker mountain, Phillips suddenly came upon Cap Hatfield and the brutal but desperately courageous old Jim Vance. Cap at once realized the uselessness of engaging in combat with such a band, commanded by such a leader as Frank Phillips, and therefore instantly turned and fled over the mountain on foot, escaping the shower of

## BALLS FIRED AFTER HIM.

On arriving at the home of "Hog" Floyd Hatfield he stopped long enough to catch a horse, which he mounted and, without bridle or saddle, rode at break-neck speed to the ranks of his comrades assembled at one of the fortified forts.

Vance fired upon Phillips and his men as soon as he caught sight of them. The sight of his enemies exasperated the man, who had grown old in crime, beyond measure. He had but one desire--to kill, kill, kill as long as there was breath or a drop of blood in his veins. To attempt escape never entered his mind. Dropping behind an old stump he fired upon the advancing raiders with rapidity and execution, and for a time drove them to shelter. Already several of Phillips' men were more or less severely wounded, yet Vance, unharmed and raging with fury, continued his truly heroic battle against a score or more of men.

At last a flank movement deprived him of his protection of the stump; his body was exposed to the fire and a rifle ball at last brought him to the ground,

Then shot after shot entered his body, yet, full of lead and wounded unto death, the blood streaming from a dozen wounds he tried to use his pistol, when Phillips stepped up to the aged desperado and sent a bullet crashing through his brain, releasing the soul from the mangled body to appear at the bar of the Heaven's Supreme Court, there to receive the final sentence for his numberless crimes. Another life had atoned for the murder of Aliafero McCoy.

Immediately upon Cap Hatfield's arrival at the camp the entire available force was summoned and divided into several detachments to drive, if possible, the daring Kentucky raiders back into their State or to lead them into an ambush. On January 19, 1888, Phillips encountered one of these detachments, composed of eight men under the leadership of General John B. Floyd, of West Virginia, at the mouth of Grapevine creek, and immediately a severe battle ensued. The Kentuckians outnumbered the West Virginians nearly thrice over, but the Hatfields, being on foot, had the advantage of position and

#### FIRED INTO THE CROWD

of mounted and surprised men with telling effect. At the first volley a number of horses were wounded, and, mad with pain and frightened by the sudden attack, reared and plunged and threw the column into a momentary confusion. Phillips discerned a stone fence near his men. If his men could reach it, it would give them a strong and safe position. He determined



to occupy it. Amid the hail of balls his men were ordered to dismount, and though several were wounded in the run, all reached the fence. From this stone-wall the Kentuckians poured such a terrific fire upon the enemy in their ambush that they retreated, leaving one of their number, William Dempsey, badly wounded upon the field. Dempsey had managed to crawl into an old corn crib, where he believed himself safe from detection, but the lynx-eyed Phillips had watched his movements. When discovered, Dempsey began to

BEG FOR HIS LIFE AND WATER.

Phillips hesitated a moment in his purpose. Then he remembered the merciless butchery of the three McCoy brothers, the murder of Calvin McCoy and of Aliafero, whose blood cried for terrible revenge. Revenge was his mission. Calmly asking the wounded man his name, he raised his Winchester and through the eye sent the swift messenger of death, adding another to the list of those who had gone to their long account.

On the same day that the battle of Grapevine creek was fought, John Thompson, a West Virginia constable, was among the Hatfields with warrants against Phillips and his men, charging them with the murder of Jim Vance. It is hardly necessary to state that the officious constable secured no prisoners.

In this battle the Hatfields, though greatly outnumbered, fought with superior arms, being supplied with large caliber Winchesters and Colts pistols, while most of the Kentuckians were armed with shotguns and rifles of the old pattern. Phillips and two others

only fought with repeating rifles. It is due to the superior armament of the West Virginians that the Kentuckians sustained such a heavy loss, having seven horses killed and seven men wounded, several of them severely, none of them mortally. The loss of the West Virginians was one man killed and four wounded, as follows:

William Dempsey, killed.

Thomas Mitchell, shotgun wound in side.

Elliot (Indian) Hatfield, rifle shot in right leg.

Lee White, rifle shot in leg.

The battle of Grapevine creek was the last fight in the feud between the two factions, although a number of men of both sides have since been killed. After this the Eureka detectives became prominent by their presence, among them being A. W. Burnett, W. G. Baldwin, Kentucky Bill, Tom Campbell and Treve Gibson, and to the credit of these men, be it said, that they succeeded in capturing and bringing about the conviction of several of the fugitives. Of the McCoy clan they caught John Norman, Joe Frank Smith and John B. Dodson, all of whom were put on trial in Logan county before Judge T. H. Harvey. George McCoy was captured in Ohio by Dan Cunningham and brought back to Huntington, where he was released on a writ of habeas corpus. John and Cap Hatfield went West, but were followed by detectives, and

#### HOUNDED FROM PLACE TO PLACE

but never caught. Many were the dangerous and narrow escapes of these two men from the sleuth hounds



of the law. On one occasion John Hatfield found himself completely surrounded by a sheriff and his posse, but escaped by swimming a river when the thermometer was below the freezing point. After an absence of more than a year Cap and John both returned home and began to live peacefully and for a time were not molested until the

#### TRIPLE MURDER OF 1896

brought Cap Hatfield again into trouble, and for a time into the clutches of the law.

It is said that there was a mutual understanding between the warring factions, that they would not permit the interference of detectives in their affairs, and several of these gentlemen found it congenial to their health and happiness to clear out of that troubled region despite the tempting rewards. It is even hinted that some of the reward hunters never returned to their homes.

While Frank Phillips and his comrades invaded and raided West Virginia, the quarrel between the Governors continued. It is possible that Governor Wilson was not fully informed as to the true state of affairs that existed on the borders of his State, while others claim that he deemed it his duty to protect his criminals from punishment in Kentucky until the Kentucky outlaws could be brought to justice in West Virginia. Whatever may have been his motives in acting as he did, the fact remains, that Governor Buckner's efforts in securing peace were handicapped and blocked. Angered at the unprecedented and unwarranted course of Governor Wilson, Governor Buck-

ner expressed his opinion in words too plain to be misconstrued or to require explanation, and he made no special attempt to restrain Phillips, who captured the criminals wherever and whenever he could find them, even though he had to enter Governor Wilson's territory to do so. Then Governor Wilson turned upon Frank Phillips, charging him in the United States Court

#### WITH KIDNAPPING CITIZENS

of West Virginia without warrant or authority of law. Phillips was very promptly arrested and arraigned before Judge Barr, of the U. S. District Court at Louisville, Ky. A great legal battle followed. Phillips himself was on the witness stand for two days. He assumed all responsibility for his acts, exonerating Governor Buckner from any connivance therein. Kentucky was ably represented by Gen. P. Watt Hardin and ex-Governor Proctor Knott. After an able and exhaustive presentation of the case by the representatives of the two States, the Court decided that it had no jurisdiction and Frank Phillips was hustled off to West Virginia.

After another long continued legal battle the redoubtable raider of the mountains of Kentucky, the slayer and captor of as dangerous and desperate lot of men as ever trod American soil, won his fight in the courts as he had won his many fights on the actual field of battles; he was released, and returned home. He is now in the clutches of a more terrible enemy than Devil Anse and Cap Hatfield, an enemy against whom the most heroic courage cannot avail; an enemy



which will accomplish what the many wounds that mark his body failed to accomplish,--Frank Phillips is in the last stages of consumption. The iron will and hardly equaled courage of this man is illustrated by an occurrence which happened not long ago. He was confined to his bed, suffering with inflamed wounds. An election was close at hand and he insisted on voting. Seeing that he could not be dissuaded from his purpose, his friends prepared a litter, placed the wounded man upon it, and carried him forty miles over the roughest roads imaginable. While the carriers were halting for a short rest at a little village, one of Phillips' old-time enemies, finding him thus helpless, insulted him. Quick as lightning Phillips sprang from his litter, clutched the throat of his enemy and brought him to the ground. It was difficult to release him from the terrible grip of the angered man. Phillips fainted from the exertion and his wounds began to bleed anew. For some days he was in a very precarious condition, but gradually revived under careful nursing.

Phillips goes wherever he desires. Although the Hatfields do their trading at Matewan, W. Va., Phillips visits that town very frequently and unaccompanied, but armed to the teeth, and no one ever attempts to molest him. It is a strange but true fact that the Hatfields and Phillips are never seen in town on the same day.

For nearly five years no further arrests or captures were made or attempted to be made, and the Hatfields appeared more boldly. Several Kentucky officers had long waited for an opportunity to apprehend Bill Tom

Hatfield, for whom a large reward had been offered. Hatfield, finding that Cap and Devil An'se resided at home unmolested, returned near the scene of his crimes. The officers, who had kept a sharp eye on him, succeeded at last in decoying him to the banks of Tug river, the scheme being thus far accomplished by a hired accomplice, a friend (?) of Hatfield. As soon as Hatfield reached the spot, where his would-be captors lay in wait, he was surrounded, severely beaten, and then carried across the river into Kentucky. His cries, however, attracted the attention of some of his friends, who now rushed to his assistance. Sheriff Keadle, of Mingo county, W. Va., summoned a posse and started in pursuit. This officer prevented a bloody encounter by prevailing upon the Kentuckians to release their prisoner. That the Hatfields accused the McCoys of being at the bottom and the instigators of the affair was only natural. The McCoys denied all knowledge of it, and it is more probable that the capture was attempted to secure the very large reward. Bill Tom Hatfield stood indicted in Pike county, Ky., for the murder of one of the McCoys near Matewan, W. Va.

Many of the participants of this struggle being killed, or in safety behind the strong walls of the penitentiary, or having surrendered their lives on the gallows in expiation of their crimes, it was thought that the feud had practically ended, but an incident took place during the spring of 1896, which came near stirring up the old trouble, which had existed so long between the McCoy and Hatfield families.



The incident referred to is as follows :

“ Some time in the month of March, 1896, Robert McCoy (Bob) suddenly disappeared from his home in Pike county, Ky. His unexplained and prolonged absence created considerable alarm, and all sorts of theories were advanced, but the one to which the McCoy's stoutly adhered to, was that the boy was murdered by the Hatfields. This suspicion gained more ground, when it became known that Bob McCoy was last seen in Mingo county, W. Va., the home of most of the Hatfields.

These accusations made secretly at first, then boldly, came at last to the ears of the Hatfields, who became incensed at the charge, and for a time a fresh outbreak of hostilities threatened. The solution of the mystery surrounding the disappearance of the young man alone prevented bloodshed at the time.

Searching parties scoured the country far and near for the missing boy. Near Huntington, W. Va., McCoy's horse was found covered with blood. This circumstance at once confirmed the theory of foul play. The search continued with renewed vigor, and at last a bloody trail was discovered. The trail led to the banks of Raccoon creek, where it was totally lost. It was now generally believed that McCoy was assassinated, and on his own horse conveyed to this stream and the body sunk.

Soon after this an accident revealed the truth of the matter. One Stafford McComas, a farmer of Lincoln county, W. Va., lost a valuable horse, and circumstances pointed to the fact that it was stolen. McComas and his friend and neighbor, Geo. Thomas, instituted search for the missing animal. In the evening the two stopped at a spring near the woods. Hardly had they dismounted, when they heard the clatter of horses feet. Instantly they sprang behind trees and awaited the approach of the horse.

They had not long to wait until they saw the horse walking leisurely towardsthem, the rider himself being in a careless attitude. McComas and Thomas had recognized the stolen horse as soon as it had in sight, and at once sprang upon the thief, thrust their Winchesters in his breast and demanded his surrender. The man complied very readily, seeing the utter uselessness of attempting to battle against two determined men. Surprised, as they were, in regaining the stolen horse and capturing the thief in such an accidental manner, they were still more surprised, when they recognized in their prisoner the long lost Bob McCoy, whom everybody believed dead, the victim of assassination, and whose disappearance came so near inaugurating another reign of terror between the Hatfields and McCoys. Elated, jubilant over their fortunate day's work, the captors turned toward the county seat. The prisoner was hurriedly searched and then ordered to ride in front. The affair ended fatal on account of the inexcusable carelessness in searching the prisoner for weapons. A large Colts pistol had been overlooked. With such a weapon as this at the prisoner's command, he only wanted an opportunity to set himself free, and that opportunity soon came, owing to the reckless carelessness of his captors. Allowing his horse to drop back until he was but a few feet ahead of the men, he suddenly whirled, and with unerring, but quick aim fired, fatally wounding George Thomas. McComas instantly raised his Winchester and fired,--missed his mark, and in turn was himself badly wounded. McComas was able, however, to summon aid, and after conveying his dying friend to his home, started in pursuit of the murderer at the head of a large posse. For many days McCoy succeeded in evading his pursuers. No trace could be found of the fugitive; it seemed as if the earth had swallowed him. It was evident that he had changed his base, and it was decided to transfer



the campaign to the country along the Tug Fork and Big Sandy river. There the Hatfields and McCoys had fought their battles; there the night attacks and horrible butcheries were enacted; there lay the scene of the bloodiest dramas of this century; there they lived. It is an undisputed fact, proven by the experience of every detective, that nearly every criminal, when hiding from the law, will sooner or later return to his home and often brave every danger and risk capture to do so. It is this peculiarity that officers and detectives largely depend upon in effecting a capture, and the cases are rare in which the theory does not prove correct.

As soon as the posse arrived in the neighborhood of the McCoy settlement they became convinced that Bob was no doubt among them. They were all heavily armed and were seen by the posse in considerable numbers. The pursuers were thus warned to move with caution. Bob was finally pressed so hard, that his protectors thought it advisable to move him. He was furnished with money, and one dark night was conveyed to Ohio. Although his removal was accomplished amid much secrecy, the pursuers were apparently well informed of every movement. Whether the Hatfields or others were the informers is not known, but a few days after his removal he was located by Marshall Trampton, near the Chesapeake and Ohio depot in the southern part of Huntington, West Virginia.

"The Deputy Marshal," using the language of the Cincinnati Enquirer reporter, who had assisted the officer in locating the outlaw, "walked up behind McCoy, and, suddenly grabbing him by the shoulders, twisted him around and poked a Colts pistol under his nose. McCoy started to draw his gun, but the officer was too quick for him. He was handcuffed and lodged in prison."

It seems that the officers annoyed him in Ohio,

and knowing that he would be hunted there, considered himself more secure where he committed the crime, a conclusion which the sequel proved to be wrong."

Thus another member of the famous feud factions is now in the clutches of relentless (?) law, and it will only be a matter of time when he will pay the penalty for his crimes.

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Cap Hatfield, the terror of his enemies, seemed for a good while to have abandoned his former wild and reckless life. To the surprise of those who knew him he settled down to peaceful pursuits. But such a change from a life of excitement, fraught with daring and reckless deeds, which demonstrated on every occasion his utter contempt and disregard for human life, such a change could not last long.

On November 3, 1896, at Thacker, W. Va., Cap Hatfield and his boy committed a terrible triple murder under circumstances quite in keeping with Cap's former record of murder and bloodshed.

On that day, it being the day of the Presidential election, Cap Hatfield and his stepson, Joseph Glenn, whom he affectionately calls "his boy," arrived on the voting ground at Thacker, W. Va. Both were heavily armed, carrying each a 45 caliber Winchester and a brace of Colts pistols of the same caliber with a plentiful supply of ammunition in their belts. They had not been at the polls more than half an hour, when they began to dispute with John and Elliott Rutherford, two natives of that county. and who, according to Cap Hatfield's story, had been



members of the McCoy gang and had fought with them in a battle against his relatives.

Cap's menacing threats and

FLASHING EYES, HIS HALF RAISED WINCHESTER, boded evil, and the Rutherfords, knowing full well the desperation of the man when in anger, started to leave the polls, when Cap jerked the gun to his shoulder and fired at John Rutherford, killing him instantly. The boy fired and Ellison Rutherford dropped to the ground, gasped and expired. Hence Chambers, a prominent citizen, rushed forward just as the lad fired. The boy presuming Chambers to be a friend of the Rutherfords, turned upon him, fired and the triple murder was complete.

Cap and "his boy" turned toward the mountains, walking very deliberately and leisurely as if promenading for their health. Indeed, there was no necessity to run. Every man upon the voting ground was temporarily paralyzed with astonishment and fear. The tragedy occurred so sudden, that it was not possible to realize in a moment the awful magnitude of the crime. Even after men regained the power of speech and action, pursuit was not thought of. No one dared to attempt their arrest, such an attempt would only have resulted in more bloodshed, and there had been enough for the day.

But on the following morning over one hundred well armed and determined men answered the summons of Sheriff Keadle, and started on the perilous task to capture the outlaws. This force was assisted by another, which on the night after the tragedy, had kept a close watch over the "Rock Fort," a retreat

much in favor with the Hatfields when pressed by officers.

During the night Deputy Sheriff Clark and one Daniel Christian were informed by a spy, that the murderers had stolen away from the fort and were going in the direction of Kentucky. Clark at once followed the trail indicated and succeeded in locating them near the house of one of the Hatfields, where they had gone for food, having eaten nothing since the morning of the murder.

Clark and Christian, in following closely the trail, passed a large rock or cliff on the hillside, and were startled by the sight of two sleeping human forms. Cautiously approaching nearer, the officers recognized the fugitive murderers, Cap Hatfield and "his boy." The weary search was at an end. The capture was effected without the

#### SHEDDING OF ONE DROP OF BLOOD.

a circumstance due only to the fact that the outlaws were surprised while asleep. Had they been in possession of their faculties and on guard, many lives might have been lost, and the murderers, perhaps, might have escaped.

The excitement over the capture was great throughout Mingo county, and the officers feared mob violence. To avoid it, the prisoners were taken to Huntington, but in a few days were taken back to Mingo county under a strong guard and lodged in jail.

Cap's version of the tragedy is interesting in that it is a complete and total contradiction of the statements made by every eye witness of the tragedy.

Cap said:--"I believe it to have been a pre-ar-



ranged attempt to take my life. Rutherford was jealous of me years ago. Some two years ago he said I had done him an injury and demanded an apology. I told him I had not wronged him, but that if he thought I had, I regretted it. He seemed to accept this explanation and I thought the matter ended.

On the day of the killing he seemed inclined to be quarrelsome and I avoided him, telling him that I had trouble enough in my time and wanted no more. Late in the evening Joe and I started for home. Rutherford renewed his quarrel and suddenly drew his revolver and began firing at me. I threw my gun up to get it in position, and the first ball from his revolver hit here," showing a heavy indenture in the under side of the heavy steel gun barrel. The gun prevented the

#### BALL FROM ENTERING MY BREAST.

He fired twice more before I could get my gun in position, when I fired my gun twice and drew my revolver. At the third shot he fell, and some one, Elliott Rutherford, I think, was firing on me from behind, and getting very close to me, as you can see," (showing a niche in his left ear and grazed a place on the side of the neck.) Chambers was shot by accident, I suppose. When I reached the railroad they were so hot after me, I reloaded my weapons. Young Rutherford was shot purely in self-defense, either by me or the boy, I don't know which. Eight or ten of them were firing at us from above and had a clear range at us in case we made for the woods, "but," said he, with the flash of his old-time fire in his eyes, "we soon dislodged them and reached the woods."

"Yes," said he, in answer to a question, "Clark and Christian got the drop on us. I was doing picket duty, sat down and sleep overcame me. I was awakened to find myself covered. The boy would have shot Clark had I not stopped him."

Comment upon this statement of Cap in regard to the tragedy is hardly necessary. If the killing was a clear act of self-defense, he could have surrendered as any man would have done who felt himself in the right. When asked upon that point, he claimed that he feared mob violence.

An organized band of the Hatfields attempted a rescue of the prisoners soon after their arrest, but the celerity with which the officers acted, frustrated the attempt. "Devil Anse" Hatfield and two of Cap's brothers were arrested. They were taken to Logan county and placed in jail.

#### DEPRIVED OF THE LEADER,

the famous clan dispersed and the country once more breathed more freely. Although a heavy reward had been offered for many years, the Thacker tragedy brought him behind prison bars for the first time in his life. But the good fortune that always attended the murderer did not leave him in this dire extremity. He had been tried on one of the cases, found guilty of manslaughter and was fined and sentenced to imprisonment in the county jail for one year. Two murder indictments were to be tried at the September term of court, (1897.)

In the little brick jail at Williamson, W. Va., Cap Hatfield posed as a hero, receiving his wife, friends and relatives daily.



Recently he held a levee and was the gayest of the gay. Prominent among the guests was his wife, clad in rough home-spun,

His gayety was fully explained, when on the following morning the jailer made the discovery that the man who carried at his belt

#### EIGHTEEN SCALPS,

was no longer his prisoner. At the turn of night the crowd at the jail had dispersed and Williamson was at peace. At three o'clock Hatfield was in the mountains, while at daybreak the little town of Williamson was all alive with men rushing confusedly in every direction. A hatchet, handed to Cap by his friends, had done the work. A large cut through sixteen inches of brick told the story, and this great gap in the jail wall had caught the eye of the village policeman on his early morning round, and he gave the alarm. At daylight one hundred mounted men scattered in every direction in search of the fugitive, while the immediate vicinity was patrolled by fifty volunteers. While Cap had got off easily in the trial of the first case for one of the murders on election day, he no doubt had little hope of escaping the extreme penalty of the law when he should be tried for the other cases. But a few days before his escape he said that he preferred death at the mouth of Winchesters to being made a show subject on the scaffold.

By noon of the day of escape the whole country was in motion. Like the gathering of the clans the sturdy citizens poured into the county seat and offered their services to bring back into the hands of justice the man who had for years defied the authorities of

three States. The county offered rewards, and Judge Doolittle, of the Eighth Judicial District, contributed from his own purse to defray the expenses of a posse; Governor Atkinson, of West Virginia, promised aid; the State of Kentucky, by Governor Bradley, tendered assistance, and Virginia's executive declared that the outlaw should find no safety within that State.

The Cincinnati Enquirer and Louisville Commercial gives the following thrilling account of the interesting and exciting chase that followed:

"The night after his escape the waters of the Ohio river were lined with the gleaming rifles of the men who lay along the shores of the river guarding the ferries lest he should escape into Ohio. Then he was without coadjutors save his wife and trusty Winchester which bore upon its butt eighteen notches for the eighteen men who had

#### STRUCK THE SOD

in front of its glistening steel. Then the wiseacres said, "we'll capture him in three days."

Now his party included his brothers John, Elias and Troy Hatfield, Clark Smith, Henry Harmon and a man by the name of Payne, each thoroughly and fully equipped with revolvers, rifles and ammunition, each familiar with every bridle path in that section of West Virginia, each with his friends, acquaintances and henchmen, bound to him by ties of blood and fear.

It is this condition, which aroused not only Mingo county, but the entire State of West Virginia. On Wednesday, the sheriff, with a force of twenty-five men, each of whom could be depended upon to look



cooly into the bore of a rifle, again took to the mountains. The scene was not unlike the descriptions, which portray the days of 1861. The usually quiet town of Williamson was alive. Women, with old men and the children stood on the streets and watched the company as it came down the main street. Mothers wept as they bade farewell to their sons, and many a family expected never again to see its pride. Quarters a Hatfield was never known to give.

Within three hours after the departure of this band old Randall McCoy, who led the McCoy forces in the notorious Hatfield and McCoy war, came into Williamson. Clad in home-spun, with his broad-brimmed hat, adorned with a squirrel tail, and his old-fashioned muzzle loading rifle, he looked worthy the comradeship of Daniel Boone. Ten years ago three of his boys were shot while

#### BOUND TO STAKES;

a few years ago his daughter and another son were shot down in cold blood by the fiends, while he, helpless and overpowered, could render them no aid, and his home was reduced to ashes, and now the old man is once more on the trail of his enemy. The Corsican vendetta is a tame affair with his thirst for vengeance.

So long as a Hatfield lives, just so long will the McCoy's be on the warpath. Randall McCoy had come to aid in the capture of "six feet of devil, 180 pounds of h--ll," as he termed Hatfield.

Seven miles below Williamson McCoy overtook Sheriff Keadle, and from that point their forces were united. Stretching across as much territory as could be covered, they advanced in picket line. Nothing

was seen of the fugitives on Wednesday. That night camp was struck on Lower Beech creek. The posse was now in the very heart of the Hatfield country. Here Cap Hatfield was on his native heath. The very trees and rocks were his intimate acquaintances. Some years ago in this same locality Charles McKenney, a cousin of the Mc Coys, and a mere lad of eighteen, was riddled with buckshot by Troy, Cap and Ellison Hatfield.

At dusk guards were sent out, and soon as the moon was up, it was reported that a

COLUMN OF BLUE SMOKE COULD BE SEEN

faintly outlined against the silver of the moonlight further up the creek. This was no surprise but rather expected, for the Hatfield fort is situated on a decided elevation four miles above the mouth of Beech creek. The rumor served to keep the entire camp awake until daybreak, when, with Sheriff Keadle in command, the march was resumed, heading direct for the old palisade. With much caution the men advanced, keeping under shelter whenever possible. When about a quarter of a mile from the hat the first glimpse was caught of Hatfield and his men. His boast, that once in the mountains he would turn his back on no man, was shown to be idle talk. He and his followers retreated rapidly in full view of their pursuers toward another mountain fastness. When the log cabin was finally reached, the fort contained nothing except the ashes of a fire that had cooked breakfast.

No time was lost here. The men were elated and pushed yet more rapidly forward. The direction Hatfield and his men had fled, indicated that he was bound



for the mountain crag, known as the "Devil's Backbone." From this point, eight years ago, Cap Hatfield's father, single handed, from the rocky mountain top, defied the united forces of the McCoys. Then it was that the summit was christened and received its weird name; there it was that the old man Hatfield won his "nom de guerre" of "Devil Anse."

The section of this wild country is very steep toward the southeast. Beech creek cuts and winds through the hills and narrow valleys into Tug river. On either side of the stream tower huge walls of rock, making one of the most remarkable geographical formations in the State. The strata is tilted until it stands on end, its top looming above the trees, making a fit habitation for nothing unless it be the eagle. Approach is possible from one side only. Winding from out the trees, which grow at the base of this peak, a narrow path clambers laboriously up to the side of the mountain. At no place is there room for two abreast, and two guns, trained down the narrow thread, might successfully defy a legion. This place Hatfield was anxious to reach. He succeeded, but at a bloody cost. Once on Hatfield's trail, old Randall McCoy seemed set on fire.

FOAM CAME TO HIS LIPS,

lightning flashed from his eyes. With his few chosen men he forged ahead of the others. Intuitively he seemed to know Hatfield's desired destination. It was Greek meeting Greek. The memory of his murdered children and the recollections of passed years flitted by like a terrible panorama before his eyes.

By a cattle path known to no one except the mount-

aineers he branched off from the sheriff and his party. With the latter were seven men, while Hatfield had about the same force. Sheriff Keadle forged steadily ahead, determined to capture his men. In the afternoon the forest stillness was broken by a shot. Before the second shot was fired the band of armed men were in a clearing which commanded a view for a mile towards the "Devil's Backbone." Nothing, however, could be seen, except that the top of this citadel was yet unoccupied. Then a white puff of smoke, followed by a rapid fusilade, told that the battle had begun. McCoy had intercepted Hatfield. At that distance, nearly three-quarters of a mile, it was impossible to see the characters in the drama then being acted. Shot followed shot. Both parties were in ambush. Ever and anon old Randall's rifle could be heard. Then there came a lull, and by the aid of his old field glass the sheriff noticed that Hatfield had flanked McCoy, and that the old man must either retreat or perish. The old fox was shrewd. He quickly saw his danger and effected a safe retreat, while Cap Hatfield stopped at the foot of the impregnable fortress of nature. Troy and Elias Hatfield were wounded.

The sheriff and his posse now pressed forward as speedily as possible and were joined by McCoy. It was almost dark when the united forces of law and order came within range of the Hatfield guns. It was not difficult, however, to tell when they got near the fugitives. A bullet whizzed by and cut the bark of a tree above the heads of the men. In the twinkling of an eye every man treed and then began a fight much after the fashion of those that took place a hun-



dred years ago in the same surroundings, Gradually and surely the forces concentrated and contracted their folds until escape for the Hatfields seemed impossible, unless he should in some miraculous way make one of those wonderful dashes, which make up the history of his life as described in dime novels. Cap was directing the fire of his men with utter disregard to his own personal safety. His life seemed charmed; not once he was touched, though he was the special target of his pursuers. The Hatfield rifles did terrible execution. The sheriff's force, which in the morning had left Williamson with flying colors and full of hope, was now decimated. Two of the deputies were frightfully and fatally torn by bullets, seven of the posse also more or less severely wounded.

As it grew late, pickets were thrown out, while Sheriff Keadle and Randall McCoy engaged in a council of war. McCoy would have been anxious to attempt to storm the fastness, but cooler judgment prevailed, and it was decided to starve the Hatfields into a surrender.

Thursday night passed rather quietly, only a few ineffectual shots being exchanged. On Friday morning there was a

#### HOT SKIRMISH,

in which another of Keadle's men was wounded. At noon the sheriff found himself reinforced by a large force, led by J. H. Baldwin.

Baldwin is well-known as one of the detectives that assisted and succeeded in the capture of many of the most dangerous of the Hatfield clan. He participated in a number of raids and was much dreaded by the

outlaws. There is no more perfect marksman than he, and his courage never failed him. He at once took the lead.

"When I was a boy I smoked many a rabbit out of hollow trees," he said, "and I will get this scoundrel out of here." Two men were sent to Williamson for a supply of dynamite and the besiegers sat down to wait.

Friday evening Baldwin winged one of Hatfield's men who attempted to reach water. He escaped death only under cover of a hot fire of his friends.

Friday night the closest watch was kept on both sides. At nine o'clock Saturday morning the dynamite arrived and preparations were made to place the mine. By eleven o'clock the work was accomplished,

#### THE FUSE READY,

the match applied and the attacking forces began to fall back. Until now the besieged seemed not to suspect what was being done, but with the flashing of the train that led to the dynamite, a full realization of their awful peril came. Men jumped from cover and rushed hither and thither in full view. Cap Hatfield was seen to start for the path heedless of the bullets that flew around him. A rush was made down the mountain. Three men dropped, wounded. This convinced them of their uselessness to attempt escape by the path which was thus guarded by the enemy, and the trapped desperadoes returned to the top of the rocky fort, Cap directing them. Then they hurled great boulders over the crag in the hope of breaking the fuse.

Then came the explosion. It sounded as though



the mountains were slipping from their sockets. Huge boulders were hurled through the air like pebbles. Pieces of trees flew in every direction. The atmosphere was surcharged with dust and

SICKENING SMOKE.

When the air cleared, it was seen that more than half of the "Devil's Backbone" was blown down the mountain side into the small arm of Tug river, the debris changing its course. The first charge had spent its force, yet Hatfield was unharmed. In the excitement Dan Lewis, Steve Stanley and Jake Monroe left the shelter of trees and were fatally wounded. Another charge of dynamite was placed and Baldwin and his men dropped still further to the rear. When the second explosion occurred the very earth shook, and Hatfield seemed doomed, but suddenly from up the valley and in the flank of Baldwin came the sharp report of a rifle, then another and still another, and suddenly Baldwin found himself exposed to a hot fire from Cap Hatfield and his band, who had again foiled their pursuers. The smoke from the explosion masked their retreat. The dynamite scheme accomplished nothing except the destruction of one of nature's unique works.

The chase was renewed, and though hampered by many wounded, Cap left West Virginia and was lost in the Kentucky mountains. Since then absolutely nothing has been heard from the fugitives.

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Cap Hatfield has a record of having killed eighteen men during his life, and at the time of his last fight he was only 38 years old. He is a man of only ordi-

nary intelligence, and does not look to be the depraved desperado he really is. His first murder was committed eighteen years ago, when he assisted in the horrible butchery of the three McCoy brothers. It is more than probable that he has now committed his last murder.

Many of the participants in the feud on either side have within the last few years met with violent deaths. Bud McCoy was killed by Bill Dyer and Pleasant McCoy. Dyer was waylaid and killed on Peter creek in 1892, and Pleasant McCoy is now serving a life sentence in the penitentiary. Dave Stratton was shot and killed at Brownstown, W. Va., in 1890. Hence Chambers was shot and killed on the day of the election in 1896 at Thacker, W. Va., and many others of the friends and adherents of either side have in many ways paid the penalty for their crimes.

Both the Hatfields and McCoys at one time owned a great deal of property, much of this has been spent in fighting the courts or in carrying on the war.

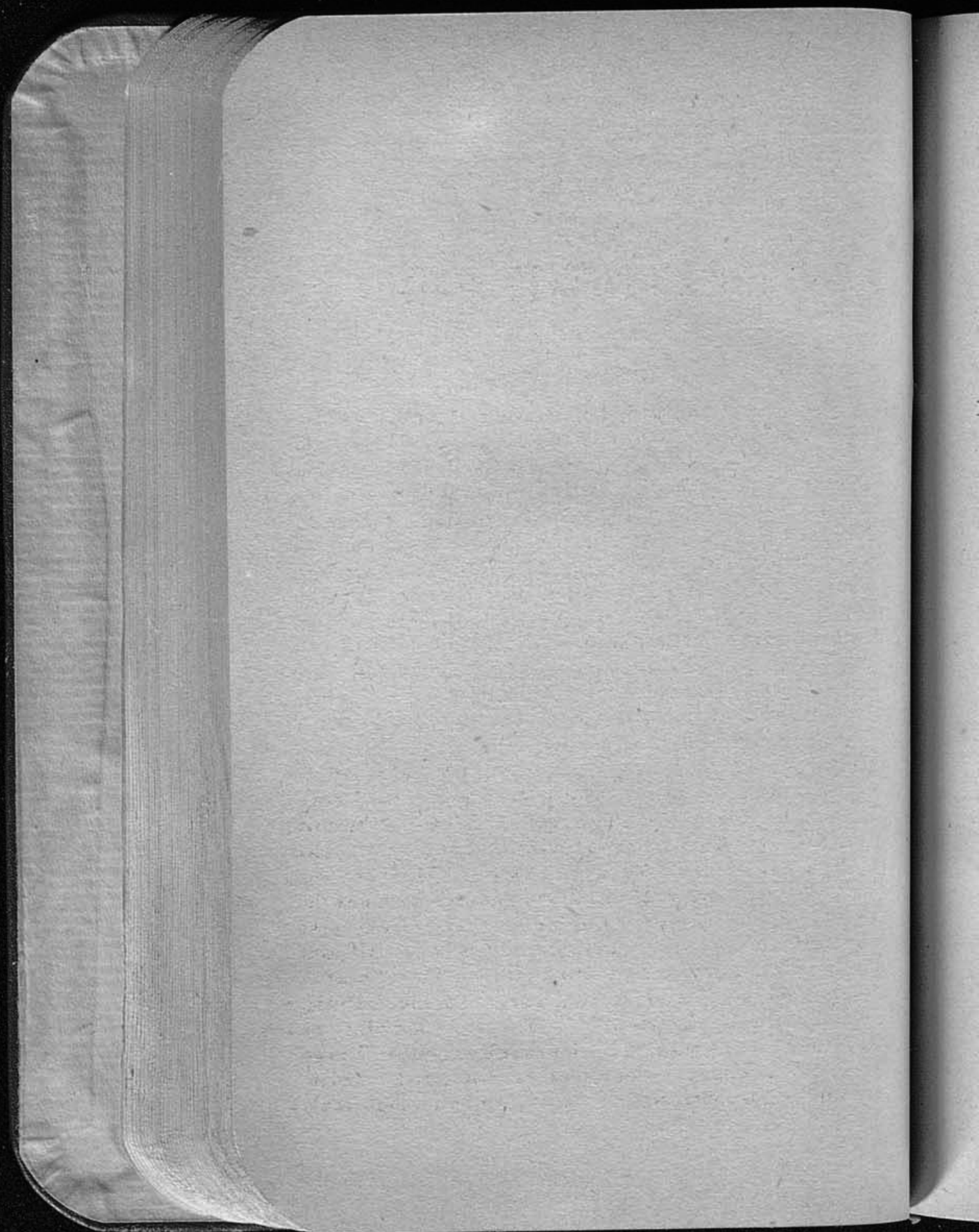
Many murders and incidents full of thrilling interest have been omitted for want of space, but what this narrative presents in terse lines, is sufficient to force a sigh of relief from the readers, when informed that the feud was practically ended. The chief actors yet living are growing old, and will never be able to regain the power they once possessed. The young generations will come in contact with modern ideas of civilization, and if education once penetrates these remote regions, and spreads its refining influence, law will more successfully assert its authority, and peace and order will take the place of murder, misery and



anarchy. The authorities, too, have learned the great benefit derived from a prompt and vigorous interference and fearless execution of the law.

[The escape of Cap Hatfield, however, promises more bloodshed. Sooner or later he will return to his old haunts. Though he may never again command the support he once had, his capture or death will unquestionably cost blood. That the feud has not ended is proven by the recent killing from ambush of another member of the Hatfield clan. Let us hope, however, that, if once more in the hands of the authorities, the outlaws on both sides will meet swift and stern punishment.]







## CHAPTER IV.

# THE ROWAN COUNTY WAR.

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[1884-1887.]

Introduction.--Geography of Rowan County. Political Troubles Start the Feud. Judge Hargis the Innocent Cause of the Strife. First Blood. Pitched Battle at Morehead. Killing of Solomon Badley. Wounding of John Martin and Adam Sizemore. Bands organized. Martin Arrested. Mob Violence Threatened. His Removal to the Winchester Jail. Craig Tolliver and His Band Lay Plans for Martin's Death. Order for Delivery of the Prisoners Forged. Jailer at Winchester Refuses to Listen to Martin's Well Founded Suspicion. Martin Delivered into the Hands of His Enemies. Martin Murdered while a Prisoner. Intense excitement at Morehead. Taylor Young, County Attorney, Shot from Ambush. His Removal to Montgomery County. Murder of Stewart Bumgartner. Young Charged with Using Powers of Office to Assist the Tollivers. Circuit Court Judge Cole Charged with Similar Acts. Investigation of the Charges. Factions Capture the Town. Riot. Cook Humphrey, Sheriff, Becomes the Leader of the Martin Faction. Treaty of Peace at Louisville. Treaty Violated. Confession of Ed. Pierce. Humphrey and His Confederates Located at the Martin Residence. Siege. Attack. Craig Tolliver Shot. Humphrey's Escape. Murder of Raymond. Burning of the Martin Residence. Judge Stewart's Weakness. Soldiers at Morehead. Tolliver and others Arrested. Farce Trial and acquittal.

Jeff Bowling's Doings in Ohio. Humphrey Resigns as Sheriff. Craig Tolliver Taken to Cincinnati, Ohio, Charged with Robbery. His Acquittal. Conditions in Rowan County. Fight Between Humphrey and Sheriff Ramey. Ramey and his Son Badly Wounded. W. O. Logan Killed. Soldiers at Morehead the Second Time. Second Treaty of Peace, Articles of Agreement to Cease Hostilities, Signed August, 1887. Humphrey Leaves Rowan County. Craig Tolliver Violates the Treaty. Reign of Terror at Morehead. Exodus of Town Residents. Murder of the Logan Boys. Burning of their Home. The Three Avengers. Boone Logan Comes to the Front. His Interview with Governor Knott. Logan Declares His Intention to the Governor of Retaking His Fireside. Purchase of Arms at Cincinnati, O. Battle of Morehead. Killing of Craig, Bud, Jay Tolliver and Hiram Cooper. Wounding of Bryant and Madden on the Logan Forces. Incidents of the Fight. Peace Restored. Indictment, Trial and Acquittal of Pigman and others, charged with the Killing of the Tollivers. Morehead Prospering. D. B. Logan's Removal to Pineville, Ky. Assassination of A. M. Farmer.

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During the eighties Rowan county came to the front as another of the many counties of Kentucky whose citizens settled disputes in deadly warfare.

In this long continued struggle many families of high reputation, men of wealth and influence, of undaunted, reckless and desperate courage were pitted against each other. Officers of the law, lawyers and judges and politicians of more than ordinary ability and reputation quarreled, and disputed, and excited the passions of their numerous and true friends, until blood flowed, and the dogged determination of the members of the different factions permitted of no other possible settlement of the trouble than of war to the death. Patrick Henry cried out in his famous speech before the Virginia Convention: "Gentlemen may



cry peace, peace, but there is no peace." In Rowan county, too, men cried continually for peace, but there was no hope of a reconciliation of the parties, the only alternative left to many of them was to leave the country or fight, and fight they did, fight with a courage and heroism worthy of a better cause.

The courts were powerless, because many of their officers were themselves partisans, and the Government of the State, when applied to for troops to restore order, refused aid, and precipitated by its own acts the famous and bloody battle at Morehead, in which many men were killed and wounded.

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Rowan county is the 104th county of the Commonwealth of Kentucky, and was named in honor of Judge Rowan, a distinguished jurist and United States Senator from Kentucky. It is situated in the northeast mountain portion of the State, and is bounded by Lewis, Carter, Elliott, Morgan, Bath and Fleming counties. The country is fertile, and the many beautiful valleys are drained by the Licking river, its north fork, Triplett's creek and other lesser streams.

A section of the Chesapeake and Ohio, or, as it is sometimes called, the Newport and Mississippi Valley Railroad, traverses the county from the northeast to the southwest, passing Morehead, the county seat.

Good roads and railroad communications have introduced into the county a state of civilization and intellectual development, which makes the conflicts described in this chapter the more unexpected.

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The original cause of the war dates back as far as the year 1874. At that time political quarrels arose and gradually engendered bitter feelings and serious contention between the most prominent, wealthy and influential men of Rowan and even surrounding counties. At that time it was thought and generally believed that the difficulties would be forgotten, when

the heat of the political contests should abate, but as years passed by, factional division became more and more pronounced. Citizens, who had heretofore held aloof from any of the disputes, were gradually drawn into the vortex of trouble, and as is usual and unavoidable under such circumstances, many desperate, degraded characters attached themselves to the various factions to execute deeds for money, from the commission of which the more honorable class would have shrunk back with horror. In such wars the hired assassin is to be the most feared. Glad of an opportunity to satisfy his thirst for blood and carnage and outrage, devoid of honor or human sympathy, regarding law and order a nuisance, he becomes the blind tool of his employer, and the greater his compensation, the greater, more horrible and brutal are his crimes.

The direct but innocent cause of the struggle was the Hon. Thomas F. Hargis, who, in after years, rose to the highest judicial position in the State. His father, formerly a resident of Breathitt county, Ky., and afterwards for many years a citizen of Morehead, Rowan county, Ky., was himself a very distinguished gentleman, as was shown by his election by a faithful constituency to the all-important political position of delegate to the Kentucky Constitutional Convention in the year 1849.

When the war broke out, Kentucky soon began to suffer the distress and horrors of civil war. Kentucky declared its intention to remain neutral. Governor McGoffin refused to furnish troops to the Union army, and attempted to maintain absolute neutrality by an army of "Home Guards." It became at once apparent that these, two bodies of troops were themselves greatly affected by the intense partisan feelings, the "Home Guards" very often employing their military power and authority in harrassing and mistreating actual or only suspected sympathizers of the cause of the South, while it was an undeniable fact, that the "State Guards" used every influence and exertion in turning the tide of public sentiment in favor of the



Confederacy. The sudden invasion of Federal troops into Kentucky was greeted with joy by the Home Guards, who made no attempt even to repel them to preserve neutrality, for the purpose of which the Guards had been organized. The principal portion of the Home Guards at once joined the Union army. The State Guards at once disbanded and a large number of these joined the Confederate army. The division of Kentucky was now complete. Households were torn asunder. Thus, in the general rush of men to opposing armies, we find the then young Thomas Hargis don the gray and fighting for the "Lost Cause," leaving the Confederate ranks at the close of the war with the rank of Captain. Returning home he studied law, and was admitted to the bar. The date of this admission, an unimportant point though it may appear to be to the reader, became, however, the chief cause, the nucleus of the struggle, which disgraced Rowan county and destroyed law and order for a time, stained the soil of the country with blood, opened graves for many brave and generous, as well as many desperate and brutal men, desolated homes, calling forth the wails of widows and orphans, and unfurling the red flag of anarchy.

In the year 1874, Capt. Hargis, who had already won prominence as a lawyer of ability and sagacity, was nominated by the Democratic party as its candidate for the important office of Judge of the Circuit Court for the then 14th Judicial District of Kentucky, which district was then composed of the counties of Rowan, Fleming, Lewis, Greenup, Mason and Nicholas.

Opposed to Hargis in this race was Geo. M. Thomas, who afterwards filled the office of United States District Attorney for the Circuit Court of the District of Kentucky. Mr. Thomas was the nominee of the Republican party. The race was exceedingly hot and spirited from the beginning, the contest waged with unusual severity and bitterness, calling forth various charges made by the numerous friends of both candi-

dates. It was charged by the friends of Thomas, among whom were not only the Republicans, whose nominee and choice he was, but enemies of Hargis in the ranks of his own party, that Hargis was not eligible to the office because he had not attained the requisite age, and that he was still further disqualified from holding the position of Circuit Judge because he had not been a licensed and practicing lawyer for a sufficient number of years. These reports were industriously circulated against him. Appreciating the danger of such a rumor in a contest like this, and knowing that only a prompt refutation and repudiation of the charges could prevent his signal and disastrous defeat, he hastened to obtain copies of the records of his age, and the date of his admission to the bar from the records of the Circuit Court Clerk's Office.

At the time of his candidacy, Hargis was a resident of Carlisle, Nicholas county, but when admitted to the practice of law he lived in Rowan county, and the records of his admission must be looked up there. He therefore at once went to Morehead and instituted an examination of the records, but what was his consternation, when an investigation revealed the astounding fact, that the only record in evidence of his admission to the bar had been mutilated and destroyed, the pages of the record of the proceedings, both in the County and Circuit Court, where the admission to the bar and the preliminary proceedings required by law should have appeared, were cut out and removed from the order books. Adding to Hargis' discomfiture and distress came the discovery of the mutilation of the family Bible, in which were contained a record of the ages of all the children in the Hargis family. The charges of ineligibility had been widely circulated and published in newspapers, and Hargis' inability to refute them by the records on account of their destruction gave them the stamp and color of truth. The Republicans and personal enemies of Hargis among the Democrats were jubilant, while his friends flatly



and broadly accused Thomas' friends and supporters of the crime of stealing and destroying the records. The already unusually bitter feeling between the contesting parties was still further increased, when the charges of theft made against the opponents of Hargis were immediately followed by their accusing Hargis and his friends, that they themselves were the thieves, that Hargis effected the destruction of the records in order to prevent Thomas proving his ineligibility to the office.

The many unsavory accusations constantly thrown at each other and the very extraordinary zeal and energy displayed by both parties in favor of their candidate developed much hatred and malice. It appears that Judge Hargis received more than his share of the injuries resulting from an unfair and dangerous partisan war. Hargis was defeated by Thomas by a majority of 274 votes, and this in a district heretofore always safely Democratic ever since its organization. In fact, Judge Thomas was the only Republican ever elected to the office of Circuit Judge in that district. Another evidence of the fact that the charges brought and published against Hargis were directly responsible for and are, to be credited with his defeat, was the election by an easy majority of A. E. Cole, the Democratic nominee for Commonwealth Attorney. (Mr. Cole was afterwards elected Judge of the district and held that office for twelve years.) Cole was himself an earnest supporter of Hargis.

The bitter feeling engendered during the canvass had, even before its termination, assumed a strictly political complexion, and as in Rowan county the Democratic and Republican parties were evenly divided, the heat of the contest in that county was naturally much greater than in other counties, where one or the other of the two parties predominated in large majorities. Aside from the close and even division of the two political parties, Rowan county had been and was then the home of Col. John Hargis, and for the greater part of his life the home of Thomas

F. Hargis. There he had the most relatives and most ardent and earnest friends and supporters. After the election these would not accept the downfall of their champion with grace or silence, but openly charged his defeat to the perfidy and treason of several prominent Democrats of Mason and Fleming counties, who, jealous of the early, brilliant political and business career of Hargis, made common cause with their party's enemy to defeat him, and thus cut short his political progress and chill his aspirations for higher honors.

Every circumstance and condition existing and continuing after the election pointed to the fact that something more than a temporary factional animosity, common in all hotly contested races for position, had been awakened, and in the hearts of many malice had taken deep root. Every succeeding election in Rowan county increased the bitter feeling and desire of revenge, and what at first seemed but political excitement and zeal for the favored candidate, now caused friends of old to cancel their friendship, and the most prominent leaders of the opposing faction began to regard each other not as political, but as personal enemies.

In the year 1875 or 1876 the Legislature of Kentucky created a Circuit Court for Commonwealth proceedings alone, the district being composed of the same counties as the old district. Hargis again announced himself a candidate for judge of the newly organized court with the result, that this time he was elected with an easy majority. He continued in this office, which he filled with ability and dignity, until in the spring of 1879, when an event took place, which opened to him the road to still higher honors, but at the same time still further fanned the flame of political and personal strife.

In the year mentioned one of the seats on the Bench of the Kentucky Court of Appeals became vacant through the terrible tragedy, which occurred upon the streets of Frankfort, and in which Appellate Judge J. M. Elliott was assassinated by Thomas Buford,



who, however, evaded the extreme penalty of the law by pleading insanity. The tragic death of the able jurist horrified all Kentucky.

Immediately after his death an election for his successor was ordered, and Judge Hargis again became a candidate before the Democratic Convention of the First Judicial District. There were a number of able and distinguished jurists, who opposed him before that body, many, indeed most of them, much older and experienced than he. In spite of the powerful opposition brought to bear against him the redoubtable Judge Hargis again succeeded in obtaining the nomination, another proof of his political influence and eminent talents as a lawyer and politician. His victory before the convention was the most important and honorable, when we find in the ranks of his opponents such men as Lacey, Phister and other able and learned judges, whose reputation as jurists had gone even beyond the confines of their State.

The last and most unexpected success of Judge Hargis aroused anew the malign hatred and envy of his enemies in the camps of his own party. The old charges were renewed, remodeled, rehashed, renovated and added to as the occasion required. The story of his willful, designed destruction and mutilation of the Rowan County and Circuit Court records was published and more extensively circulated than ever throughout the entire district. The reports having been so successfully employed the first time he ran for office and caused his defeat, were now again resorted to, to effect his downfall. Newspapers, circulars and handbills were distributed in every county, every house, or posted up on public places, and on fences and trees. This mode of canvass was calculated to increase factional enmity to dangerous intensity. Opposed to him in this race was the Hon. Judge W. H. Holt, of Mt. Sterling, Ky., a Republican politician of much prominence and a lawyer of acknowledged ability and of unassailable purity of character.

The contest between these giants of influence was

waged with unprecedented spirit and perseverance on both sides, but the final result was that the mantle of Judge Elliott fell upon Judge Hargis, his majority being more than three thousand votes, defeating an opponent, whose character and eminent qualifications as a jurist were of the highest type.

During the canvass, Judge Hargis, through the Louisville Courier-Journal and other newspapers, denounced the person, over whose signature a number of the scandalous accusations and detrimental charges had been made, published and circulated, as liars, calumniators and villains.

Thomas M. Green, then editor of a local paper in the city of Maysville, Ky., called the Maysville Eagle, and who was also correspondent of the Cincinnati Commercial-Gazette, had been more persistent and aggressive in industriously keeping the disparaging accusations against Hargis in the columns of the Republican press of the country. Editor Green was in consequence singled out by Hargis in his card to the Courier-Journal as the chief offender of the calumniators, liars and villains, assailing him in a very bitter, sarcastic and defiant manner. Mr Green at once applied to the law for redress, and instituted suit against Hargis in the Jefferson Circuit Court at Louisville, Ky., asking for a large sum in damages. This action was brought at the time or very shortly before Judge Hargis took his oath as Justice of the Kentucky Court of Appeals.

Early in the spring of 1878 the case came on for trial. Hargis waived all questions of jurisdiction, which, it was expected, he would use as a defense. He somewhat staggered his enemies by admitting his responsibility for the articles upon which the suit was brought, and declaring his ability to prove the charges he had made against Green as true.

The trial lasted for many long months. It was minutely reported in the press of the country, and read with more than ordinary interest.

Even in this dire extremity, in this contest in a



court of law combatting famous lawyers arrayed against him on the plaintiff's side, the angel of good fortune did not desert Hargis. He won the case. During the pendency of this suit many depositions were taken in Rowan county, and many witnesses carried to Louisville to be orally examined. The passionate zeal, prejudice and partiality of many of the witnesses was much in evidence in the contents of the depositions and in the witness box. During the taking of depositions in the case at Morehead an incident occurred which still further increased the hatred between the opposing factions. The incident referred to was the theft of Judge Hargis' valise and overcoat, which were abstracted from his father's hotel where he was stopping. In the valise and coat were papers of great importance to Hargis in his case, containing his law license, or copy of same, upon which he placed great reliance in the defense of his case. The theft of these papers resulted in similar charges as were made upon the discovery of the mutilated and destroyed court records. Hargis and his friends placed the guilt at once on the side of his enemies, since no one not interested in the outcome of the suit could have had any motive in abstracting papers, the existence or non-existence of which were the chief points in the controversy between Hargis and Green. Hargis' enemies alleged, that he himself was the thief; that the story of the theft was simply an invention for the sole purpose of preventing an exhibition in court of the tell-tale papers.

The trouble now assumed proportions of such magnitude as to cause even the most resolute, and, up to this time, entirely disinterested to feel apprehensive of the outcome. Nearly every citizen in the county was aligned either for or against Hargis, and the rupture and division grew more abrupt and distinct each succeeding day. Passions, anger and hatred increased to such an extent that all hopes of a compromise vanished. The intensely bitter feeling and deadly enmity continued unchanged during the remainder of

the lives of those that are dead and still exists with little abatement in those that are yet living. Happily for Rowan county, many of the chief actors in this drama have gone to the far beyond to give accounts of their deeds and receive their sure and just rewards.

A storm so long brewing is apt to accumulate extraordinary force, and when the long pent-up fury at last broke loose, shattering the links of the confining chain, its destructive power could not be averted or evaded. The difficulties, which eventually led to open, and for a time, fearfully bloody hostilities and encounters, followed thick and fast. The strife between the different factions had already penetrated every neighborhood, and almost every household. Any public occasion, especially the bi-ennial elections, was always looked for with dread. The minor political contests, waged in these elections, served to keep alive the controversies, brought the antagonists in close contact, and added additional material to the spirit of revenge.

The Hargis faction managed, for some time at least, to keep in the ascendancy, generally electing their ticket for the various county offices. This called forth charges from the Republicans and the Democratic enemies of the Hargis faction, that the influence, power and authority of the county officers were used for the purpose of punishing enemies and rewarding political friends. Accusations of this nature carried the hostile spirit even among those upon whom alone the county in a case of a general conflict could have looked and appealed to for protection, for suppression of riots, and the punishment of violators of the law. This affection and partisan feeling among the highest officers proves fully the pitiable and dangerous state of affairs.

In the year 1884, S. B. Goodan was nominated by the Democrats of Rowan county for the office of sheriff. His opponent, the Republican candidate, was W. C. Humphrey, commonly called Cook Humphrey. The ensuing contest proved close and heated. Both men



possessed considerable wealth, were very influential and extensively related throughout the county. At that time the elections were held on the first Monday in August instead of November as now. The viva voca system of voting had not yet been supplanted by the Australian ballot system. Bribery in elections was therefore much more common than now. A race for a county office was almost out of the question for a candidate without means. A voter cast his vote publicly, it was recorded publicly and cried out publicly. The buyer of the voter had thus a good opportunity to control the seller, while under the secret ballot the buyer of a vote has only the word of the seller, and the vote-sellers words is usually not very reliable. This barter for votes was responsible for innumerable election fights.

Another and still more successful instigator of trouble on election day was the free and promiscuous use of intoxicants, with which candidates treated the crowds. Election contests will naturally excite even the most stayed and conservative citizens, but when whisky, the fumes of which will craze the sane, turn human beings into beasts, arouses passions that would have slumbered on, changes humble, peaceful citizens to savages, when whisky is permitted to inflame the already heated brain, trouble and fatal strife is inevitable.

In this race for sheriff money was used without stint for the corruption of the voters. Bar-rooms were thrown wide open and the devil's brew was constantly on tap for the benefit of the voters. Men, usually quiet, unobtrusive and docile, became excited, irritable and revengeful. Men of foresight feared for the ultimate result of the election quarrel, and well they might. On the day of election Morehead, the county seat, was filled with crowds of excited, angry, drunken men, and long before the close of the day the town became the scene of a pitched battle, the prelude to the conflict, which two or three years afterwards attracted the attention of the entire American press.

The firing was promiscuous and rapid, many men being engaged in the fight. Owing to the large number of people present it is remarkable that there was but one fatality. When the smoke had cleared away three men lay prostrate upon the ground. One of these, Solomon Bradley, was almost instantly killed--the first man to surrender his life in the now already so long protracted controversy. Adam Sizemore and John Martin were found to be severely but not fatally wounded.

The death of Bradley and the wounding of Sizemore and Martin was of fateful consequence. Bradley had been one of the most influential Republicans in the county, and was possessed of considerable wealth. He and Martin belonged to the best families in Rowan county, and were extensively related. The Martins were known as ambitious and brave men.

It appeared that John Martin received his wound at the hands of Floyd Tolliver, a brother of Craig Tolliver, who afterwards attained such an unenviable notoriety and bore the distinction of being one of the most cruel, unscrupulous and bloodthirsty desperadoes Kentucky ever had the misfortune to own as her son, and whose tragic death on the day of the memorable battle of Morehead was heralded in the newspapers of the United States.

John C. Day the then acting sheriff of Rowan county, was charged with the shooting and wounding of Sizemore.

The first blood had now been spilled and more must follow. Even the most hopeful became now convinced that a long and bloody conflict could no longer be averted. Those best acquainted with the state of affairs knew, and rightly predicted, that the law would not be invoked to settle the trouble and to punish the offenders. "Eye for eye," "a life for a life" was the motto that henceforth governed the factions, now arrayed against each other in open, desperate warfare.

The shooting of Martin by Floyd Tolliver put the



latter and his friends and relatives in a dangerous position. They well knew that the Martins would not pass over the matter lightly and without retribution, and the wealth, the ambition and number of Martin's friends and relatives made them a powerful and dangerous enemy. Floyd Tolliver lived at Farmers, a small village on the Licking river, near the county line, and a station on the Chesapeake and Ohio railroad, which traverses the county from east to west, and passes through Morehead. Floyd Tolliver's relatives, too, were numerous, and exercised considerable influence, but the majority of these lived in the adjoining county of Morgan.

Floyd had eight brothers living at that time, and to these and other relatives he now turned for assistance. These at once responded in considerable numbers, armed themselves, and constantly surrounded Floyd, or were within easy reach. Thus the fatal encounter on the day of the August election, 1884, brought into the lines of the belligerents the Martins, the Days, the Sizemores and the Tollivers, of Rowan and Morgan counties. Among these were a number of desperate, courageous men.

During the Circuit Court, which convened after the election, the grand jury returned indictments against John Martin and Floyd Tolliver and Sheriff John C. Day for murder, malicious shooting and wounding, etc. Bail was granted the defendants and bonds were readily given, and the causes continued until the next term of the court.

In December following the battle Floyd Tolliver and John Martin, who had recovered from his wounds, met for the first time face to face outside of the court room, and when not in the custody of the officers. They met in a bar-room, a place not suitable for enemies to meet. Had both men been duly sober, trouble might have been averted, but when "King Alcohol" exerts his influence, anger and hatred are hard to restrain. Tolliver and Martin met at the saloon of Judge Carey, at Morehead, on the second day of

December. Excited and with passions inflamed by copious quantities of "firewater," it was easy to predict, that the slightest pretense would suffice to start a quarrel and a fight. The old grudge soon got in its work, and a dispute arose. With men of such desperation and courage quarrels do not last long. After an exchange of a few words their hands made for their pistols; the shining weapons flashed for a moment, then belched forth fire and thunder, followed by a cry and a dull thud, the sound of a body falling heavily upon the floor. Floyd Tolliver was dead--a bullet had torn its way through his breast.

Martin was at once arrested and placed in jail. To his friends the killing was a shock. They were fully convinced that the desperate Craig Tolliver and his confederates would not permit the law to adjust the matter by a trial in court, and the gravest fears were entertained for the safety of Martin. Reports of the organization of a mob increased the anxiety and apprehension with each fleeting hour. But as much as the Tollivers were feared, and the more they threatened, Martin's friends were determined to protect the prisoner. The aggressiveness of the Tollivers was counteracted by the bold defiance of the Martins. C. T. Young was then County Attorney, and one of the ablest and fearless Commonwealth lawyers in the eastern section of Kentucky. By his enemies, and there were many of them, he was regarded as wholly unscrupulous. He was not credited by them with even as much as one pure thought or action emanating from a noble impulse. It is not in the province of the writer to sustain or deny the charges or to investigate his character. Suffice it to say, that he discharged his duty in this respect by demanding the removal of the prisoner to another county for safe-keeping. Young was perfectly well acquainted with the character of the men who were arrayed against Martin, and was not to be deluded by their repeated declarations, that the law would be permitted to take its course. Future events seem to place Young's efforts



on behalf of the prisoner in a rather doubtful light, and many argued that his exertions for his removal of the prisoner were prompted by fear of a terrible struggle in town, should the Tollivers attempt an attack upon the jail, which was under constant but secret surveillance of Martin's friends, who were ever ready and on the alert to foil any attempt of this sort.

Mr. Young's demand for a removal of the prisoner was followed by an order from the County Court Judge, directing the prisoner to be removed to the jail at Winchester, Ky., for safe-keeping. The removal was effected without mishap. But as soon as it became known, the Tollivers exhibited great fury and rage, because their intended victim had escaped them.

Armed to the teeth, they gathered in large force, carrying terror wherever they appeared. But Martin had not yet escaped them. There was another day. Martin must be brought back to Morehead for trial, and then--only wait.

#### MURDER OF THE HANDCUFFED PRISONER.

December 10, 1884, was the day set for the examining trial before the Hon. County Judge Stewart, of Morehead. Before the day arrived, the unusual activity of the Tollivers, the ominous collection of all the members of that faction, the frequent, but secret meetings, had been quietly, but, nevertheless, keenly observed by Judge Stewart, who was soon clearly convinced, that if Martin was brought to Rowan county for trial at this time of ferment and excitement, he would suffer violence or death at the hands of his enemies, and that an attempt on the part of the officers and friends of the prisoner would precipitate a conflict, the magnitude of which could not have been foretold.

In this opinion Judge Stewart was sustained by County Attorney Young. After a careful and circumspsect investigation of the state of affairs the Court decided on an indefinite postponement of the trial. The order to the jailer of Clark county, direct-

ing him to deliver the prisoner to officers of Rowan county was suspended on the 9th of December, but, unfortunate, fateful neglect, the order of suspension was not communicated to the jailer of Montgomery county as should have been done. The wife of Martin had been informed of the postponement of the trial, and the faithful woman, who had already suffered so much anxiety and fear for the safety of her husband, felt relieved, at least temporarily, by the Court's action, and hastened to Mt. Sterling to inform the prisoner of the postponement.

The postponement of the trial was honestly intended for the protection of the prisoner, but the inexplicable negligence in not notifying the jailer at Mt. Sterling hastened Martin to his doom.

As soon as the Tollivers were informed that the trial would not take place, and that Martin, therefore, would not be brought to Rowan county for several days, they convened a council of war to discuss plans of campaign. A raid upon the jail at Mt. Sterling was suggested, but the leaders, though desperate and brave enough to have dared anything, did not believe that such an undertaking would meet with success, and resorted to strategy instead of force.

On the 9th day of December, the same day that the Court decided to postpone the trial, an order was delivered to the town marshal at Farmers, Rowan county, Mr. A. M. Bowling, directing him to convey Martin from the Mt. Sterling jail to Morehead, and directing the jailer of Montgomery county to deliver the prisoner into the custody of Marshal Bowling. The order was written,--forged of course, either at Morehead or at Farmers, and when we consider, that Bowling himself

WAS AN ARDENT SUPPORTER OF THE TOLLIVERS, one of the chief leaders of the clan, we may readily guess the result of the shrewdly planned, treacherous plot.

Bowling, before leaving Farmers, engaged three other desperate members of the Tolliver clan to ac-



company him. Four men to convey a handcuffed prisoner? It was thought best to send a sufficient number along to prevent outsiders from interfering in the final act of the hellish, inhuman play, arranged by Craig Tolliver and his henchmen.

On arriving at the jail at Mt. Sterling Bowling presented his order, signed by Judge Stewart, as County Judge of Rowan county, in which he directed the jailer of Montgomery county to deliver Martin into the care and custody of Bowling. The instrument of writing was carefully drawn in the usual form, and had every appearance of genuineness.

As before stated, Martin's wife had gone to Mt. Sterling on the same day to visit her husband and tell him of the indefinite postponement of the trial. At the approach of night she bade her husband farewell, more hopeful and encouraged, little dreaming that she had clasped

THE HAND, WARM WITH LIFE, FOR THE LAST TIME.

The train, which was to carry her homeward, left about midnight or after, and while she was passing the long, weary, dragging hours at the station, her husband was aroused by his keeper, and told to prepare for his removal to Morehead. Martin at once became suspicious, and remonstrated with the jailer, who, however, stoically refused to listen to Martin, and simply answered to the prisoner's pleadings by producing the order from the Judge of the Rowan County Court. Martin pleaded long and earnestly; he was pleading for his life, he felt it; he explained to him the information received through his wife, that on account of the excitement and danger that awaited him at Morehead, the Court had suspended the order for his removal. He insisted that Bowling and his companions were all his deadly enemies, and that everything supported his suspicion, that there was some well planned treachery on foot, and that to permit his removal now, in the hands of Bowling and his men, meant nothing more nor less than to deliver

him into the hands of assassins and butchers. The jailer turned a deaf ear to Martin's pleadings and reasonings. He was convinced that to refuse obedience to the imperative order of the County Judge of Rowan county under any circumstances would involve him in serious trouble, and he can hardly be justly censured for his evident zeal to discharge his duties, but a more circumspect officer, having listened to the reasonable, sensible protestations of a prisoner, knowing full well the excited and dangerous conditions of affairs in Rowan county, as a result of which Martin was placed in custody of the Montgomery county authorities, would certainly have deemed it an act of prudence and common sense as well as his duty under the circumstances, to hold the prisoner until he could have communicated with the officials at Morehead. Disobedience of the Court's orders, intended for the protection of a helpless prisoner, under the surrounding circumstances would certainly have been highly commended, especially when the forgery of the order was brought to light. Blind obedience often works injury. Disasters through mistakes and blunders of commanding officers in battles have often been averted by the disobedience of inferior, but competent soldiers, who preferred to face a court martial, rather than assist in blundering, causing, perhaps, useless slaughter and defeat.

John Martin was delivered to Bowling and his band.

#### SECURELY SHACKLED,

he was marched to the train, and no doubt he suffered the same mental agony as the man who ascends the scaffold. It was a remarkable, strange, and extremely sad incident, that the prisoner's wife should board the same train and enter another coach without seeing her husband.

While this occurred at Mt. Sterling, Craig Tolliver and his band had assembled at Farmers, ready to play the closing scene in the horrible drama. Armed to



the teeth, they were posted at and near the railway station, impatiently awaiting the arrival of the train. The night was dark and disagreeable, and quite suitable for a hold-up.

Presently the flash of light pierced the gloom, the shriek of the engine whistle echoes mournfully through the night, and the train, bearing John Martin, thunders toward the station. The air-brakes wheeze, the train slows up, the conductor cries: "All out for Farm--." He did not finish the call of the station. A pistol was thrust in his face; armed men board the engine and cover the engineer and fireman; others entered the coach where Martin was sitting,

HANDCUFFED, AND UTTERLY HELPLESS,

in charge of Bowling and his clan. Martin saw the men enter, and instantly perceived their design, and involuntarily attempted to rise, but the next moment a number of shots rang out, Martin sank back upon his seat, lifeless, his "protectors" calmly witnessing the cowardly deed.

Martin's wife, in another coach, had up to this time believed her husband in his cell at Mt. Sterling, but the instant she heard the shots, a sudden, unaccountable fear seized her, and instinctively she rushed to the scene of the tragedy, only to find, that her awful suspicion was realized,--there lay the blood-covered body of John Martin, her husband, literally torn to pieces and perforated with leaden messengers of death. All that the faithful, grief-stricken wife could do, was to order the remains taken to Morehead, where they were buried amid a large concourse of sorrowing relatives and friends. The solemnity of the occasion accorded ill with the many suppressed but none the less ominous threats of terrible and swift punishment of the murderers.

The news of the cowardly assassination spread like wild-fire over the county. The war had begun with all the fury and horror of civil war. On the day John Martin's body was consigned to his grave at

Morehead, the angel of peace departed from Rowan county, and for more than three years a reign of terror swept over the unfortunate county, spreading horror and dismay, leaving a path of desolation and sorrow, overthrew completely all law and order, and the red flag of anarchism fluttered in the breeze. Deeds of violence occurred at frequent intervals; crimes, the most heinous, went unpunished by the law, the murderers finding protection in the ranks of the clans to which they belonged.

Taylor Young was the first man to feel the wrath of the friends of the murdered Martin. While riding along the road on Christi creek, he

WAS SHOT FROM AMBUSH,

and painfully, but not fatally wounded.

The perpetrators of this deed were not definitely known, but Young's friends claimed to have certain information, that the men who attempted his assassination, were acting under instructions from the Martin faction, who, for some time, had accused Young of being a Tolliver sympathizer, and even went so far as to allege that he connived in the murder, of the prisoner. Upon first reflection we can hardly believe in the truth of these allegations; Young was instrumental; yes, the prime factor in the removal of Martin to Mt. Sterling, and as County Attorney, readily assented to Judge Stewart's opinion, that the examining trial ought to be postponed owing to the state of excitement in the county. On the other hand there seemed to be some ground in believing Young to be playing into the hands of the Tollivers, who, ever since the killing of Martin, appeared as strong and active supporters of Young, and avenged the attempted murder on Christi creek by a successful assassination of one of the avowed supporters of the Martin faction. It is, therefore, hardly reasonable to suppose, that the Tollivers would espouse the cause of a man whom they had reason to believe was aiding and assisting their enemies in removing their intended victim out of dan-



ger. The evidence points rather clearly to the fact that Young was a secret adherent of the Tollivers.

The victim, who paid his life for his connection with the Martins, was Stewart Baumgartner. He was also shot from ambush, and on the same road Young traveled when he was wounded.

As soon as Young recovered from his wound, he removed from the county. The murder of Baumgartner had, of course, still further imperiled his life in the county, and he did not feel inclined to give his enemies another opportunity to make him a target. He took up his residence at Mt. Sterling, Montgomery county, Ky., where he engaged in the practice of law. His family followed him there shortly afterward. He held on to the office of County Attorney until the August election, 1886, when his son, A. W. Young, commonly called Allie, was elected as his successor.

At the time of the removal of Z. T. Young to Mt. Sterling the Martin faction was led by W. C. Humphrey, who had just qualified as sheriff of Rowan county, while the Tolliver forces were commanded by Craig Tolliver.

#### GRAVE CHARGES.

The Martin faction now openly charged that Mr. Young used the powers of his office and his money to support and encourage the Tollivers, and that by reason of his prominence at the bar, and his intimate friendship with the Hon. A. E. Cole, Circuit Court Judge of the district, he (Young) had acquired such influence over Judge Cole, that it was out of the question for an adherent of the Martins to obtain a fair and impartial trial, or to successfully prosecute the Tollivers for their crimes. So confident were the Martins, that such was the case, that they made these charges publicly, and the matter was finally brought to the attention of the General Assembly at its session of 1887-88. An investigation of the matter followed, and revealed the true position of Z. T. Young as a strong Tolliver sympathizer, while the charges against

Cole appeared to have had considerable foundation.

Shortly after the death of Baumgartner, and during the month of April, 1885, W. C. Humphrey and a stranger, afterwards ascertained to have been one Ed. Pierce, of Greenup county, Ky., appeared on the streets of Morehead

#### HEAVILY ARMED

and followed by a number of Martin sympathizers. This act of defiance called forth bitter denunciations and threats from the Tollivers and their friends, among them ex-Sheriff John C. Day and Jeff Bowling, men of desperate character. The leaders of the opposing factions assembled every available man, provided them with arms, and determined preparations were made to fight out their grievances on the streets of Morehead. Humphrey's headquarters were at the Carey House, a hotel owned and operated by James Carey, an ex-captain in the Union army, and a very influential citizen. The Tollivers occupied the Cottage Hotel near the C. & O. depot, then owned by Dr. R. L. Rains. As rapidly as possible messages were sent to Craig Tolliver, who at once came to Morehead, accompanied by Jerry Wilson and a number of Tollivers from Elliott county.

An encounter seemed inevitable, and it came. A shot was fired and answered, and then the rolling thunder of guns became incessant for a time. The balls whistled through every part of the town. Storehouses and dwellings were constantly fired into. None dared to enter the streets or expose their bodies for an instant; such an act would have invited the fire of many guns.

A heavy fire was poured into the Carey House where the Martin clan was concealed. Hundreds of balls struck and perforated the frame structure. The superior numbers of the Tollivers, their advantageous position and markmanship soon convinced Humphrey and his partisans, that to maintain their position would invite a charge upon the house, which would have meant nothing more nor less than a massacre, and,



therefore, at an opportune moment, the Carey House was abandoned, and the Tollivers remained in the undisputed possession of the town. In spite of the terrific fire and unremitting fusilade of many hours, there were no casualties, but the firing exercised such a terrifying influence over the peaceable citizens of the town, that all who could, left.

The state of affairs at Morehead was reported to the Governor, who immediately ordered Gen. John B. Castleman, Adjutant General of Kentucky, to Morehead, in company with Chief Justice H. Hines and others to investigate the conditions and the reasons of the existing lawlessness in Rowan county, and interview the adherents of the different factions and leading citizens and report their findings to the Governor. This Commission completed its mission, and the parties to the feud were summoned to Louisville, Ky., where a compromise was patched up between the belligerents, both sides pledging themselves to return to their homes,

LAY DOWN THEIR ARMS,

and cease to molest each other. The proceedings brought into prominence H. M. Logan, Judge James Carey and Sheriff W. C. Humphrey, as adherents of the Martin faction, and Z. T. Young, Jeff Bowling, Jerry Wilson and Craig Tolliver as leaders of the Tollivers.

The agreement entered into at Louisville, while intended to restore peace, effected the opposite result. It prevented prosecution of either side for the riot at Morehead, and thus emboldened by the leniency of the law, the warring parties became more aggressive and desperate than ever, and more eager for a resumption of hostilities. It became at once apparent that the peace would not last long. The factions charged each other with insincerity and violations of the treaty stipulations, and again took up arms. The Winchester and large pistols again became the common outfits of men, and it required but a spark to explode the mine.

The shooting of Z. T. Young had been clouded

with much mystery as to the identity of his assassins, though, as has been already stated, the Tollivers charged the Martin faction of being the instigators of the affair, and in retaliation took the life of Baumgartner. Subsequent development implicated others, among them Humphrey, and this led to a renewal of hostilities. It appears, that immediately after the treaty of Louisville, Ed. Pierce, the man who had so mysteriously appeared at Morehead in company with W. C. (Cook) Humphrey, was arrested in Greenup county and carried to Bath county for trial on an indictment for robbery. A jury found him guilty, and he was sentenced to a long term in the penitentiary. While confined in jail previous to his trial, he admitted his participation in the shooting of Young, and also implicated one Ben Rayborn, of Carter county, who was but little known in Rowan county. Pierce claimed to have been employed to kill Young by the sisters and family of Martin, and that Humphrey and Baumgartner were aiding and assisting in arranging the details of the plot.

#### UNFORTUNATE CONFESSION;

hellish, if it was false, an unpardonable imprudence if true. Humphrey and the Martins indignantly denied every word of Pierce's confession, and asserted, that he had been bribed to make the confession by Young and his followers for the purpose of destroying the prestige of the Martins in the county, and to furnish an excuse to commit further outrages. Strict surveillance was placed over Humphrey and his friends, and their movements were watched with eagle eyes. The Martin homestead, situated about one mile from Morehead, became an object of special vigilance. Finally, on the evening of the 27th day of July, 1885, the Tolliver spies reported to their leaders at Morehead, that two men had been seen around the Martin home. Instantly everything was in commotion at the Tolliver headquarters. Craig Tolliver, Jeff Bowling, T. A. Day and others, all sworn enemies of the Mar-



tins, surrounded the Martin home in the dark of night and remained there until morning. Shortly after daylight a stranger, afterwards recognized as Ben Rayborn, in company with Sue Martin, a young woman of much native sense and energy, came out of the house, and robbed a bee hive without discovering the besiegers. Rayborn was heavily armed. The Tollivers were satisfied that Humphrey was in the house, and determined upon a sudden attack. To avoid all possibility of failure of the plot, it was deemed necessary to increase the force, and a messenger was at once dispatched with all haste to Morehead. A short time afterward the besieging force increased to the number of twenty or more, among whom were many of the most violent men of Rowan county. By 9 o'clock A. M., Craig Tolliver had his force at every point of vantage. Then he and Jeff Bowling appeared at the front door of the house with

#### WINCHESTER RIFLES GLEAMING

in the sunlight, the inmates of the house now being for the first time aware of the presence of the enemy. There was no chance for escape. Every door was securely guarded. Tolliver was met at the door by the brave Martin girls, who demanded an explanation of the intrusion. Tolliver demanded the surrender of Humphrey and any other man that might be with him. The girls denied the presence of any other person except members of the family. Tolliver knew this to be false. He had seen Rayborn on that morning. In spite of the remonstrances of the girls, the Tollivers searched the house. Finding no one in the lower rooms they attempted to go upstairs, when suddenly a shotgun belched fire and flame into the very faces of the assailants. Tolliver's face and part of his body was filled with shot, the gun-stock shivered to pieces in his hand. He sank upon the steps, and rolled helplessly down to the foot of the stairs. Bowling escaped unhurt. Craig Tolliver was placed on a horse and sent to Morehead for repairs; the others, not wishing to at-

tempt again entrance into the house, contented themselves with shooting into the windows and doors. The fusilade continued for some time, and black smoke hung like a cloud over the premises. But if the Tollivers hoped to force a surrender of Humphrey and his companion by mere intimidation, they were mistaken. These two men were brave to the core. During the day Humphrey managed to make himself heard through the din of battle. He informed his assailants that he was there in the house, and that by virtue of his office as sheriff, none but the coroner of the county had a right to legally arrest him. The Tollivers cared little for legality. They did not come there to uphold the law; they had succeeded in trapping their enemy, and they meant to use the advantage they had gained. Hour after hour passed: the shots ever and anon rang out into the air. The sun was sinking rapidly toward the Western horizon, the shades of evening grew longer. As long as daylight lasted, the assailants kept under cover, but in the dark of night the defenders could not prevent a simultaneous attack from the entire force of the enemy. Surrounded on every side, as they were, escape seemed impossible, but Humphrey, knowing full well the desperate and bloodthirsty character of the enemy, feared that in an attack upon the house, especially if same should prove successful, the female inmates might also be killed, and decided upon making a break for the open country. It was a desperate undertaking, and fully shows the spirit of bravery of Humphrey. When he and Rayborn emerged from the house, a

#### SHOWER OF BALLS GREETED THEM.

Then they both ran for their lives. Rayborn sank, rose again, then fell again, and rose no more. His body was literally riddled with bullets. Humphrey seemed possessed of a charmed life. His clothing was torn to shreds almost, but his body did not receive as much as a scratch.

The body of Rayborn was left lying where it fell,



upon the common, protected from further mutilation by dogs and hogs by a rail pen, built around it by the heroic Martin girls.

Satisfied that there were no more men in the house, the Tolliver clan crowned the infamous work of the day by

#### SETTING FIRE TO THE HOUSE,

thus making homeless the girls, whose father they had so foully murdered while a prisoner, chained and helpless. Everything was burnt, the brutes refusing the permission to rescue some necessary clothing.

The excitement that prevailed in the county, when the news of the cowardly deed spread, can better be imagined than described. Every lover of law and order was terror stricken, and the question was often asked, "Where will this end?" Judge Stewart was a well meaning man, but utterly incompetent as an officer, possessing not a single qualification for so important an office in a county like Rowan at such a juncture. He was weak and timid. Terrorized himself, fearing for his life, which, however, he would have protected at the sacrifice of the entire county, he made a sad exhibition of himself as an officer. He would do the bidding of this party, listen to the advice of this man or that man, creating chaos instead of order; in short, he completely lost his head. Warrants were issued upon the affidavits of the Martin girls against Craig Tolliver, Jeff Bowling and others, charging them with murder and arson. An examining trial followed. It was conducted under the old law, which provides that such trials must be held by two justices of the peace. It was claimed that one of the justices was influenced by Young and the Tollivers, and that the other was a Martin sympathizer. The court's decision proved that such was the case, one justice declaring, that the accused should be committed to jail without bail, the other, that in his opinion no offence had been proven. The disagreement of the court permitted the murderers to go free, branding

the trial as a rank farce comedy. Afterward some of the parties were indicted by the grand jury for arson, but not one was ever punished. Was it a wonder then, that affairs in Rowan county grew from bad to worse, and crime followed crime? If the murderer and house burner is permitted to go free, we must not be surprised to hear of repetitions of similar crimes. Law had lost all respect. When respect of the law is lost, force alone can restore order. Ordinarily, order is preserved by respect of the law and the fear of punishment which it threatens. It is fear of punishment that reduces crime, not the punishment itself. Law does not seek revenge, but vindication. The murderer is not hanged that he may suffer pain and misery, but that he may be forever removed from society. It is much better that a diseased limb be severed from the body than that the whole body die. The respect and majesty of the law must be enforced. The moment courts, officers, and juries fail to do their full duty, the law loses the respect, in which lies its governing power. In Rowan county all people had lost all respect for the law, because the court, the entire department of, justice in that county, was incompetent, tainted with corruption, and aiding and assisting the criminals in their deeds of horrors. Then followed the additional humiliation of the law treating with murderers, and compromising felony charges upon their promises of good behavior. It is true, that the State sent troops, but these could do nothing while the grand juries of the county were members of the factions.

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Shortly after the August term of the Circuit Court, Jeff Bowling, one of the most dangerous of all the Tolliver faction, removed with his family to Ohio, where, almost immediately upon his arrival there, he began to add to his already large record of crime. It appears that his mother-in-law had married a wealthy farmer, John Douglas, a resident of Licking county, Ohio. It was due to the persuasion of Douglas, that



Bowling settled in Licking county. Bowling had not resided there long, when Douglas was found one morning dead in his barn, evidently murdered. The finger of suspicion pointed to Bowling as the only one who had a tangible motive in committing the crime. He was indicted, tried, and found guilty of murder in the first degree. Sentence of death was pronounced against him, but the sentence he so richly deserved, was finally commuted to life imprisonment. He served seven years, and removed to Texas.

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Humphrey, after his miraculous escape from death at the Martin house, became convinced, that it would be impossible for him to continue in his office as sheriff of the county, and resigned, and William Ramey was appointed and qualified in his stead. Craig Tolliver for a time was absent from Rowan county, being confined in jail at Cincinnati, O., charged with robbery. He was tried, acquitted, and returned to the scenes of his activity, and almost immediately upon his return trouble broke out anew.

Several killings occurred during the year, but some of these were not directly connected with the feud. John G. Hughes had been killed by a mob styling themselves "regulators."

Wiley Tolliver, son of L. H. B. Tolliver, was killed about Christmas, 1885, in a drunken row by one Mack (Bud) Bentley. Bentley gave Rowan county a wide berth, and now resides near Hyden, Leslie county, Ky.

Early in the year 1886, the murder of one Whid Pelfry, at Elliottsville, Rowan county, Ky., came near precipitating a serious outbreak. Pelfry was stabbed and killed by Tom Goodin, a brother of S. B. Goodin, a prominent Tolliver man, a brother-in-law of Jay, Bud and Wiley Tolliver, cousins of the notorious Craig. Pelfry was recognized as a strong Martin sympathizer, was an influential citizen, and wealthy. Goodin was tried for this murder, but, of course, acquitted, although every circumstance of the murder proved it to be

a foul crime.

STREET FIGHT AT MOREHEAD.

The year 1886 brought with it the annual election, at which all county officers were to be chosen. Each faction had its candidates in the field. A heated election contest is liable to cause trouble, even under ordinary circumstances. We can, therefore, most readily imagine the state of ferment and excitement in that ill-fated county of Rowan. Cook Humphrey and Craig Tolliver roamed the country at the head of armed forces, frequently entering the town, parading the streets in defiance of each other.

On the second day of July, 1886, it being County Court day, a warrant of arrest was placed in the hands of Sheriff Ramey for the arrest of Cook Humphrey, who was in town that day. The officer started in search of Humphrey, and found him near H. M. Logan's storehouse. An altercation ensued between the men, both of them drew their pistols, and began to fire. Friends of both parties did likewise, and a terrific fire ensued. When the smoke cleared away, it was found, that the sheriff and his son and deputy were both dangerously wounded, and W. O. Logan, H. M. Logan's son, a youth hardly twenty years of age, was fatally shot. Immediately after the firing the factions retired to their headquarters and prepared for a desperate conflict.

It was evident, that only the most energetic measures would prevent a bloody and serious conflict. Judge Stewart was prevailed upon to demand troops. His request was readily granted, and a detachment of State Guards, commanded by Major L. W. McKee, of Lawrenceburg, Ky., hastened to the scene of the trouble. For the second time Morehead assumed the aspect of a military camp. When the morning of July 3rd came, citizens, women and children trembled with fear and apprehension of a bloody conflict, while at the quarters of the factions, guns and pistols were oiled and loaded in preparation for battle. But listen



--the bugle blasts--the rattle of drums--in the Court House yard stands a line of soldiers, the guns and bayonets glittering in the bright morning sun--danger was passed for the time being.

#### A NOLLE PROSEQUI.

The troops remained at Morehead until some time in August. It was due to their presence that the election passed off without violence and bloodshed. When Circuit Court convened the Commonwealth Attorney was prominent by his absence, and Hon. Asher G. Caruth, the Commonwealth Attorney of the Jefferson Circuit Court, and afterwards a prominent Congressman from the Louisville district, (5th Cong. Dist.) was prevailed upon to act as Commonwealth Attorney pro tem.

By this time nearly every citizen in the county was aligned on one side or the other, and it seemed difficult indeed to obtain a jury who would try an offender or the accused without prejudice or partiality. This state of affairs did not escape the attention of Hon. Caruth, experienced and intelligent as he is. He reported his observations in an elaborate document to the Governor, and through the exertions of Caruth and other public spirited and prominent men, a conference was held to which the leaders of the factions were invited. An arrangement was finally made, according to which the indictments against Craig Tolliver and his confederates and against Cook Humphrey and his men were dismissed, Mr. Caruth entering a nolle prosequi upon the records of the court. Craig Tolliver and Humphrey each signed an agreement to immediately depart from Rowan county and never to return to it except in case they desired to attend the funeral of a relative, and in that event to remain in the county no longer than was absolutely necessary. The treaty was prepared by Caruth, Humphrey signed it in his presence, with the Hon. G. A. Cassidy, of Flemingsburgh, as a witness. Tolliver's signature was witnessed by Hon. D. B. Logan. The documents were then filed in the

Clerk's Office of the Rowan Circuit Court, and made a part of the records, and appeared as the basis of Mr. Caruth's motion for dismissing the charges against Tolliver, Humphrey, etc.

#### REIGN OF TERROR AT MOREHEAD.

The expedient resorted to by Mr. Caruth for settling the difficulties, though intended for good, proved unsatisfactory and ill-advised. I do not mean to criticize the course of Mr. Caruth in dealing with the difficult problem of restoring peace. The success of his scheme was founded upon his firm belief, that the parties to the agreement would sincerely adhere to their pledges to leave the county, but Caruth did not understand the character of Craig Tolliver. To get him to sign an agreement that would put an enemy out of his way was easy, but to make Tolliver keep his promise was quite a different task. Humphrey kept his word. He sold out all his earthly possessions in Rowan county, and bade farewell to Kentucky, the State he loved so well. Yet, for the last two years previous to his departure, life had become almost unbearable. It was simply a matter of weeks, days or hours, when he would fall, a victim of the fatal feud, in which he, himself, had played such a conspicuous part. He departed from Rowan county, from his friends and associates, with feelings strangely mingled with sadness, regret, joy and relief.

Previous to his election as sheriff, Humphrey had been a highly esteemed citizen, a man of exemplary character, of a social, plain, unassuming disposition. His fatal connection with the feud was mainly due to the unfortunate selection of Stewart Baumgartner as his deputy. The latter was a citizen of Elliott county, where he had a reputation for violence and desperation, and pursuing the same course in Rowan county, his acts made Humphrey many enemies. Baumgartner's connection with the Martin faction compromised Humphrey, and thus, step by step, he was drawn into the whirlpool of trouble, the formerly quiet, inoffen-



sive citizen grew desperate, dangerous, violent, the dormant, unholy passion of revenge was awakened, and Humphrey became, for the time being, a desperado. He was the son of a Baptist minister, and a brother of William Humphrey, men of high social standing and of wealth. At the time of his participation in the troubles related he was yet in his twenties, and unmarried. After leaving Kentucky he went West, and never returned until after the tragic death of Craig Tolliver and his followers, and then only on special business, and immediately left again. He is now a citizen of Memphis, Mo., engaged in business, and meeting with good, financial success. He there displays in business the same quality for indomitable courage and energy, that made him the recognized leader of the faction whose cause he espoused in the Rowan county war.

With Humphrey gone, the Martin faction practically disbanded. Had Tolliver observed the treaty stipulations as faithfully and honestly as did Humphrey, this chapter might end here, and the writer would be spared the unpleasant task of continuing the record of violence, murder and anarchy. It seems evident, that Tolliver entered into the agreement with the premeditated purpose of violating it. He was confident that Humphrey would keep his word. He out of the way, Tolliver would easily hold undisputed sway in the county, especially at Morehead. Tolliver never left Kentucky, but for a few weeks remained with his kinsmen and friends in Morgan and adjoining counties. He was never beyond a half day's ride on horseback from Morehead. Most of his adherents remained at town where they had things their own way, and continued to violate law when they pleased, and why not? Courts had released them on charges of murder and arson, treated with them, compromised with them. They must fear them. Then if the authorities did not dare to molest them, who should? Humphrey was gone, and his followers scattered, the citizens of the town who desired peace, were intim-

idated and kept in constant fear of loss of life or property. Saloons were opened and operated without license. Magistrates refused to issue warrants for them, because such an act would have forfeited their lives, and, besides, no officers could have been found to execute the warrants, had they been issued. Humble submission was, therefore, the most prudent thing to do under the circumstances. Resistance would have been folly and endangered the lives of many. The residences and grog shops of the Tollivers resembled arsenals. The most effective method of the Tollivers into persuading a Martin adherent to believe that Rowan county was not a safe place for him to live in, was the sending of an anonymous letter, setting forth that fact, and informing him, that on a certain day in the near future his funeral would take place, unless he should be gone from the county. A funeral is by no means pleasant, especially one's own, and it is not at all surprising, that the persons thus notified, preferred to be absent from the county to being the party involved at the funeral celebration. Some few regarded the letters as idle and meaningless threats, but the sincerity of the advice was no longer doubted or questioned after a few of the funerals did actually take place, but to recite the circumstances of all the murders that occurred during the feud would make a volume of bloodshed and cruelty unsuited for reading. Suffice it to say, that from the first Monday in August, 1884, to the 22d of June, 1887, inclusive, twenty-three men were killed in Rowan county.

On the 20th of October, 1886, H. M. Logan was shot from ambush in the streets of Morehead, while walking from his place of business to his residence. The wound was dangerous, and he carries a stiff limb to this day as a result from the wound.

Judge Carey came in for a full share of the enemy's hatred and vengeance. His hotel was frequently fired into at night by parties armed with needle guns and large caliber Winchesters, until the house assumed the appearance of having been struck by a cyclone.



Windows and doors were completely shot away, and the walls were perforated in a thousand places. The house was indeed comfortably (?) ventilated, and would not have required either doors or windows to admit daylight.

The Exchange Hotel shared a similar fate. It was managed by H. C. Powers, another Humphrey adherent.

This kind of argument was convincing and more forcible than words or letters, that Morehead had become very unhealthy. Powers and Carey both felt morally persuaded to remove from the county, and concluded that Covington, Ky., possessed more allurements for the time being than Morehead. They remained at Covington until after the final and bloody battle at Morehead, in 1887. I have, unfortunately, no authentic account of the leave-taking between the Tollivers and Carey and Powers. It must have been very affectionate, since the Tollivers exhibited so much concern for their safety, comfort and health as to persuade them so urgently to remove to a happier and better land.

H. M. Logan, too, had enough of this joke about funeral predictions, and concluded that Ashland, on the banks of the beautiful Ohio, would be the proper place to recover from the rather uncomfortably severe persuasion to take a rest from his labors and see the world. He, too, did not return until after the final battle. There were many others who were thus suddenly seized with an unaccountable fever to emigrate. Among them were John R. Powers, James E. Clark, a prominent lawyer, who found Unionville, Clark county, Mo., a more congenial home; James Brain, a brother-in-law of Judge Carey, preferred a cooler region, and R. C. Humphrey, a brother of Cook Humphrey, also emigrated to Missouri. Nearly all of the parties, who were thus compelled to leave Rowan county, were men of wealth and business capacity. Removals were continuous. The magnitude of the exodus can be imagined by examining the figures giving the population

of Morehead from 1885 until the early part of 1887. In 1885 Morehead was a flourishing town of over seven hundred inhabitants. Within less than two years this figure was reduced to little more than three hundred, more than half the population having removed. Private residences and storehouses stood empty, nailed up or were taken in possession by the Tollivers whenever it suited their fancy. Almost the entire town was populated by the Tollivers and their friends and the offices were filled by them. On June 1, 1887, Craig Tolliver had the entire town under control, and was elected as Police Judge without opposition. He was doing a thriving business selling liquor without troubling himself with the formality of obtaining a license. Without authority he had taken possession of the Exchange Hotel, which H. C. Powers had left without a tenant. There was, of course, no occasion with burdening himself with paying rent when houses stood empty. They were the property of his enemies, and he took them as the spoils of war. The Central Hotel was then owned by Z. T. Young, who placed it at the disposal of Tolliver, who tenanted it with John Mannin and his brother Jim Mannin, constant associates of Craig, who had brought them from Elliott county. John Mannin, brave, desperate and cruel, was town marshal. No one had dared to oppose him in his race for this office, and he was elected without opposition. Mannin and his brother opened a saloon at the Central Hotel. To still further strengthen his despotic rule, "Bud" Tolliver was made a member of the town council. Craig Tolliver's triumph was now complete. The midnight carousals, the continuous reports of Winchesters and pistols made night hideous, and persons of unquestionable courage grew nervous. The exodus of inhabitants was greatest at this period. The town was almost depopulated.

Some time in the latter part of 1886, or early part of 1887, H. M. Keeton, constable of the Morehead precinct, was shot and killed by "Bud" Toliver. Keeton had been duly served with notice of his funeral,



and remaining in the county, furnished the body. W. N. Wicher was shot and killed by John Trumbo, a Tolliver man. H. M. Logan, as we have already related, was dangerously but luckily not fatally wounded in the streets of Morehead, attending strictly to his own business. Residences and business places were riddled with balls, the inhabitants forced to flee, leaving behind them once prosperous business, and property, which fell into the hands of the victorious desperadoes. Such were the conditions at Morehead in June, 1887. At the February term of Circuit Court (1887) Dr. Henry S. Logan, R. M. McClury, John B. and W. H. Logan and Lewis Rayborn were indicted for conspiracy to murder Circuit Judge A. E. Cole, James H. Sallee, Commonwealth Attorney, and Z. T. Young. All the parties indicted were prominent citizens, and of such a character, that those not prejudiced against them, and acquainted with them, at once declared the charges false. The entire transaction bore every mark of the successful consummation of a shrewdly laid plot to rid the country of these men, who, for some reasons, had become objectionable. They were at once arrested and confined in jail, their bail being placed at a ridiculously exorbitant sum. The prisoners were at once hustled off to Lexington for safe-keeping. John B. and W. H. Logan gave bond and returned home, about four miles distant from Morehead.

When it became known that James Pelfrey was the chief witness against them, it was an easy matter to see through the whole affair. Pelfrey's black character was well-known by Taylor Young, and desiring to avenge himself for some alleged wrongs at the hands of the Logans without risking anything himself, he called upon this man Pelfrey for assistance. He selected the right man for the purpose. A suitable story was concocted and rehearsed, and with it Pelfrey appeared before the grand jury, and loaded upon his sin-stained soul the dastardly, black, foul crime of perjury, while Young himself laughed in security at

the execution of the plot. Jointly indicted with their father, Dr. Logan, the boys, W. H. and J. B. Logan, had executed bond and returned to their home. They lived there quietly and alone, taking charge of the farm in their father's absence. W. H. Logan (Billy) was a consumptive, twenty-five years old, and almost reduced to a skeleton by the dread disease, while his brother, J. B. Logan, (Jack) was hardly eighteen years of age.

#### MURDER OF THE LOGAN BOYS.

On the 7th day of June, 1887, a disreputable character named Hiram Cooper, who lived in the neighborhood of the Logans, came to town and swore out a warrant against the Logan boys and against their cousin, A. W. Logan, charging them with confederating and banding themselves together for the purpose of murdering him (Cooper).

Craig Tolliver issued the warrant, placed it in the hands of his confederate and town marshal Mannin, who summoned a posse of ten men to assist in the execution of the warrant. Among them were Deputy Sheriff George Hogg, Bud Tolliver, Jay Tolliver, Cal. Tolliver, Hiram Cooper and Z. T. Young, Jr., the youngest son of Taylor Young.

Unmindful, and in fact completely ignorant of the impending danger, the boys remained at home. The first warning they had of the approach of the Tollivers, was the rapid firing of guns. The boys, terrified, ran up stairs, Mannin and Craig Tolliver rushing after them. Jack Logan seized a shotgun, and, in spite of the earnest protests of his brother, fired it into the body of Mannin, inflicting a very painful but, unfortunately, not fatal wound. Mannin and Tolliver retreated from the house, while the boys waited trembling with bated breath for developments. They were aware that there was but little hope for them. The smell of burning wood and clouds of smoke, illuminated by flashing tongues of fire, told plainly of their peril. The crackling of the flames, the shouts and de-



risve laughter of the cruel assailants without presented a scene, such as we read of with horror in the histories of Indian wars. The boys had the choice of surrender or death by fire, and naturally chose the former, hoping against hope, that some miracle might save them, or that, perhaps, their appearing unarmed might move the butchers to compassion and mercy. The boys rushed down the stairway, already suffering from heat and suffocation, but recovered as soon as they reached the yard. While surrounded by the band, a brother of John Mannin opened fire upon the elder boy. This was the signal for a general fusilade. The boys fell dead, but not satisfied with their death, the heartless assassins poured volley after volley into their bodies, mutilating them beyond recognition, leaving them lying where they fell, a bloody, gory mass. Tolliver and his band of cut-throats returned to town, triumphant and boasting of the murder, while yonder, near the ruins of their home, lay the bodies of their victims of savage cruelty, their glassy eyes upturned to the star-strewn sky above as if in mute appeal to the God of nature to avenge the horrible crime. That blood of these boys cried aloud for vengeance, and retribution followed the murderers closely at their heels.

On the following day, D. Boone Logan, a cousin of the murdered boys, accompanied by H. M. (Hiram) Pigman and Ap. Perry went to the Logan place and found and cared for the mangled remains of his relatives. On their return home that evening they were warned that they would share a similar fate in the event they returned to the funeral.

#### RETRIBUTION.

Up to the time of the murder of the Logan boys neither W. H. nor D. B. Logan nor Pigman had taken any part in the factional strife, but had carefully kept aloof from any act or speech that might in any way connect them either directly or indirectly with either faction. Not enough, however, to murder their relatives, they are now threatened with violence, and

Craig Tolliver sends to D. B. Logan the exasperating message, that he must leave, and that he, Tolliver, would rent out his house, and hire out his wife to make a living for her children. But by threatening D. B. Logan, Tolliver made a fatal mistake and conjured up a storm, which soon passed beyond his power to control, and when it broke loose in all its fury on the 22d day of June, and the streets of Morehead ran red with blood of the slain, the desperadoes experienced the lash of an avenging God.

The Logans, Pigman and Perry, seeing themselves in danger, and burning with indignation, entered into a solemn compact to effect the arrest and trial of all the parties engaged in the murder of the boys. This resolution, made by such men as Logan and Pigman, meant something. They went to work in the preparation of their plan with coolness and circumspection. Caution was needed indeed. They secured in their cause a number of men upon whom they could rely. Meetings were held at secure places, where Boone Logan perfected his plans for the final stroke, and thus became at once the recognized leader, and it was well he was chosen. In the prime of manhood, possessed of great physical strength and of great intellectual powers, he was just the man to place at the head of such a hazardous undertaking. Combining indomitable courage with prudence, sagacity and coolness, he is also a man of unflinching determination. Such was the man with whom Tolliver now had to deal. Educated, a lawyer of prominence, and a polished gentleman, he would hardly be recognized as a man who would have dared to oppose Craig Tolliver and his band of murderers, attack them in their very stronghold and give them battle; but notice that sharp, cold, steel gray eye, and you will readily be convinced that such an eye means unswerving determination and cool, genuine bravery.

Though Pigman and Logan avoided being seen in each other's company, yet the Tollivers by some means grew suspicious, and from this moment they were



hunted high and low. To relate the many narrow escapes from death of Logan and Pigman would fill pages. Every road was patrolled, passing trains were searched; inquiries were made everywhere, insulting messages were sent to his family. Meantime Logan avoided any encounter, but with dogged determination completed his preparations.

On the 16th day of June Logan eluded the vigilance of the Tollivers, and succeeded in reaching Frankfort, Ky., where he asked for and was accorded an interview with Governor Knott. To him Logan explained the conditions existing in Rowan county, the despotism exercised by Craig Tolliver and his associates,

#### THE HORRIBLE DOUBLE MURDER

of the Logan boys, for which no one yet has ever been molested. The Governor listened attentively to Mr. Logan's plea for troops, but replied, that under the law he could not comply with the request, that he had twice sent the soldiers to Rowan county at the cost of many thousands of dollars with no other result than aiding courts in committing travesties upon justice, and that under the circumstances he could not see his authority of repeating his experience with that county. He then asked Logan what per cent of the population was actually engaged in the trouble, and in receiving a reply, answered, that the good citizens, being in the majority, should be able to put down lawlessness. Logan admitted that he could find a number of citizens who would be willing to aid him in arresting the murderers if they had only the necessary arms, and asked the Governor to permit him to borrow a few guns from the arsenal of the State, offering to give satisfactory security for their safe return. The Governor explained that such a course was unwarranted and not a matter under his control.

Logan's face turned almost livid for a moment. A band of murderers are permitted to remain in undisputed possession of his county, the law of the State

was unable apparently to come to the rescue of order, and to maintain its authority. Courts refuse to do their duty and espouse the cause of red-handed assassins, openly championing their cause; many peaceable citizens are driven from their homes or assassinated. These thoughts filled his brains. Before his eyes appeared the mangled remains of his cousins, then his mind recalled the probable fate of his wife and children at Morehead, who had been time and again treated to insulting messages, his home might at this very moment be in ruins and its inmates burnt or shot. The young man's eyes gleamed with unnatural fire. His lips quivered while the strong heart beat almost audibly with excitement, indignation and utter disgust. At last he spoke, slowly, firmly, every word was full of meaning. It was then that Mr. Logan made his famous reply so often commented upon and commended:

"Governor," he said, "I have but one home and but one hearth. From this I have been driven by these outlaws and their friends; they have foully murdered my kinsmen. I have never before engaged in any of the difficulties, but now I propose to take a hand and retake my fireside or die in the effort."

Future events proved that these words were uttered for a purpose other than merely dramatic effect. The nashing eye and heaving breast told plainly of the passions that had been kindled in his heart, and the Governor could not help but admire the man's just indignation and determination to do what the highest authorities could not do.

The action of Governor Knott in refusing to comply with Mr. Logan's request for troops has often been commented upon, but we cannot justly criticize his course. In the first place the law lays down the scope of authority under which the Governor may act. The power of the county had not been exhausted in bringing about or attempting the apprehension of the criminals. Besides, twice already had he sent troops to protect the court in meting out justice with the re-



sult, that the authorities showed the white feather and compromised with criminals. Governor Knott could not have been blamed for refusing troops even if under the law he had been authorized to do so after his experience with Rowan county on previous occasions. No doubt, in his heart he wished Logan success. Logan was no criminal; he had made many, though futile attempts to live in peace. Now he acts in self-defense. A man's home, no matter how humble it may be, is as good as the King's castle in the eye of common law, and to defend it from attack and intrusion is a man's God-given right, his duty; Boone Logan set about to retake his fireside.

FINAL BATTLE OF MOREHEAD.--June 22, 1887.

When D. Boone Logan left Frankfort, he hastened to Cincinnati, where he purchased more than three hundred dollars worth of Winchester rifles, pistols, shotguns, ammunition, etc. These were boxed and shipped as saw mill fixtures to a station in Rowan county, addressed in the name of other parties to avoid suspicion,

Immediately upon his return to Rowan county, he mustered his forces, instructing them minutely as to their part of the work before them. He was everywhere arranging matters for the coming battle.

A warrant against Craig Tolliver and some of his confederates for murder of the Logan boys on the 7th of June, was placed in the hands of Sheriff Hogg, and his deputy George Hogg. It was definitely agreed upon, that the sheriff should meet the Tollivers and demand their surrender. It was a matter of form merely. Logan was well satisfied that Tolliver would defy the officer, but he desired to exhaust all lawful means before resorting to bloodshed. Hogg was instructed to make the attempt and upon the refusal of the Tollivers to submit, was to retreat from town in order to insure his personal safety, when Logan was to place his entire force at his disposal, Boone Logan himself agreeing to take the lead. Thus far all went

well, and when the morning of June 22d came, bright and beautiful, Logan had everything in readiness for the day's proceedings. Logan, with a detachment of men, was secreted near the C. & O. depot, while just across, at the business place of Vinton & Pigman, Hiram Pigman, with six or seven men, stood in readiness to act in concert with Logan. On the opposite side of the town stood another detachment, ready and eager for the fray.

Until the early part of the morning of that day the Tollivers had been in absolute ignorance of Mr. Logan's preparations. His frequent absence from home was attributed to fear, and of his visit to Frankfort and his shipment of arms they knew nothing. On the morning of the battle, however, an accident revealed the plot. The wife of a railroad man was visiting friends at Morehead. Her husband having noticed bodies of armed men collected around the town, and perhaps discovered the large shipment of arms and ammunition, telegraphed to his wife to leave town at once, that there was likely to be a battle in town that day. This information was conveyed to the Tollivers, who immediately prepared for the attack, and thus it happened, that when the battle began, Logan was placed on the defensive rather than the offensive.

At 9 o'clock or a little after the sheriff had not yet appeared in pursuance to his agreement. Logan had been kept in ignorance of the fact, that Deputy Sheriff George Hogg was one of the party who assassinated the Logan boys, else he would never have depended upon his assistance in the matter. During the battle the sheriff and his deputy were mere spectators from a place of safety.

Logan was not aware that his plans were known by the Tollivers, and desiring to communicate with his friend Pigman, sent a youth, William Bryant, across to Pigman's store. To his surprise, the Tollivers suddenly appeared armed to the teeth and fired upon Bryant, who suddenly turned and fled for life, escaping without a wound. Logan and Pigman, seeing their



plot discovered, and the sheriff yet failing to put in his appearance, now began to perform their part of the drama. Logan gave the command to fire, and then every man fought independently, as best he could. Every part of the town became a separate battlefield. The firing increased with each fleeting moment. The non-combatants sought and prepared places of safety and concealment. Black clouds of smoke arose to the sky, and the air was stifling with the smell of gunpowder. The grim monster of war raged in the ill-fated village once more.

"Oh, the miseries of war. We recoil with horror at the destruction of a single individual by some deed of violence. When we see a man in the prime of health, suddenly struck down by some deadly aim, the sight of the lifeless body haunts us for days and weeks, and the shock experienced, only time can wear away. The scene stands before our eyes in daytime, is the subject of our dreams, and spreads a gloom which time can only disperse.

It is painful to dwell on the distressing picture of one individual, but multiply it, and think of the agonies of dying men, as, goaded by pain, they grasp the cold ground with convulsive energy, or another, faint with the loss of blood, his pulse ebbs low, and the gathering paleness spreads over his countenance; or, wrapping himself round in despair, he can only mark by a few feeble quiverings, that life still lurks and lingers in his lacerated body; or, lifting up a faded eye, he casts a look of imploring helplessness for that succor which no sympathy can yield."\*

The moment the battle opened, Logan became the target for many guns. The balls hailed all around him, fell at his feet, hissed by his ears. Craig Tolliver and those with him instinctively regarded Logan as the most dangerous enemy, and made every effort to get rid of him. Logan for a moment stood there surprised, then he raised the Winchester and takes

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\*Chalmers.

aim; the hands shake and his eyes glimmer, the gun drops down again. Has he turned coward, now that the work for which he so ardently labored, to the success of which he had risked so much, had begun in earnest? Again the rifle is lifted to his shoulder. Not far distant he saw Craig Tolliver in the act of firing upon him. Logan fired, and Tolliver's right arm drops helplessly to his side. Logan's coolness had returned to him, and never left him again during the battle.

The details of the battle are found in the report of Ernest McPherson, captain of a detachment of the Louisville Legion, to the Adjutant General, Sam E. Hill, and transmitted by the latter to the Governor. (See Documents 1887, No. 23.)

As the Tollivers were coming back, Boone Logan commenced firing. He was at once deserted by the men with him, but continued firing, which was returned by the two Tollivers (Craig and Jay) until their Winchester rifles and revolvers were empty. They then ran from below the depot to the American House, Craig Tolliver's hotel, and, getting ammunition, were joined by Bud, Andy, Cal and Cate Tolliver, Cooper and others, and all started on a run for the Central Hotel. Andy was the first to reach the Central Hotel, leaving the others, and going through alleys. Bud Tolliver, Cooper and the rest, under constant fire from the brush, went on by way of Railroad street. Halting at the drug store, they fired into the brush, and wounded one Madden. Bud Tolliver was here shot in the thigh. Cal and Cate, who were mere boys, helped Bud up the lane and hid him in the weeds back of Mal Johnson's store. They then joined the others, who were now at the Central Hotel. Cooper went out in front of the hotel, on Main street, and fired on some of Logan's men; he was shot through the breast, and retreated into the hotel. He got in the wardrobe in a back room upstairs, and in this place of fancied security was again hit by a bullet from the front of the house.



The Central Hotel was surrounded, a cessation of fire was ordered, and Boone Logan called to the Tollivers to "come out and they should not be hurt." A message of the same purport was also delivered by a woman. She returned with Cate Tolliver, a boy of fifteen years of age, who was disarmed and unmolested. The other parties refusing to surrender, Logan, profiting by the tactics employed by the Tollivers against his cousins, ordered his men to fire the building. The Tollivers at once broke from the place and started for the brush. Jay came out the rear way, got about fifty feet, was shot three times and fell. Craig and Andy came out the southside, and amid a perfect shower of bullets; Andy, with two flesh wounds, succeeded in reaching the woods. Craig Tolliver's good luck at last deserted him. He started running, and firing as he ran, down the lane, which leads from the Central Hotel to the railroad track. At the corner, and by the drug store, Pigman, Perry and three others were posted. They opened fire on Tolliver, and the scores of others stationed about the Central Hotel continued their fire. Craig Tolliver went a few feet beyond the corner, fell, rose twice and fell again at the switch, literally

#### RIDDLED WITH RIFLE BALLS AND BUCKSHOT.

There were some bad men in the fight against the Tollivers, but it did not appear that they were connected with Logan; one of them, indeed, who inferentially admitted that he had fired three shots into Jay Tolliver after he was down, was afterwards a witness and a willing witness in the prosecution. These guerillas, having found where Jay Tolliver and Cooper were, immediately made short work of the little life left in them, and then sacked the American Hotel.

The firing was continuous for the two hours the fight lasted, except when the surrender of the Tollivers was demanded. Over fifteen hundred shots were fired. The fight ended, there was great rejoicing

among the victors. A public meeting was held at the Court House, and a party, styling themselves the Party of Law and Order, took possession of the town and held it until the arrival of the troops.

Boone Logan had faithfully kept his word and retook his fireside. The sinking sun witnessed his return to his home from which he had been banished so long. The dreaded enemies had crossed the river to the dark beyond. For the first time in months the night following the battle passed off quietly. The yells and defiant curses of drunken desperadoes had ceased, the lips that uttered them, were still. Peace entered Morehead quietly, though it was purchased at the price of much blood, and the victors cried in Shakspeare's words:

“ Now are our brows bound with victorious wreaths;  
 “ Our bruised arms hung up for monuments.  
 “ Our stern alarums changed to merry meeting,  
 “ Our dreadful marches to delightful measures,  
 “ Grim visaged war has smoothed his wrinkled front.”

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The battle of June 22, 1887, was the last bloody clash between the factions in Rowan county. The Tollivers, deprived of their best men, gave Morehead a wide berth after this, the town assumed its former appearance of thrift and business life, and gradually regained its former prosperity. Many of those who had removed, returned, took possession of their property, business houses were re-opened, the illegal saloons closed, and law and order has been reasonably well maintained since. Several of the Logan men were indicted for murder. H. M. Pigman, who had so faithfully and bravely stood by Logan, and of whom the latter speaks as the bravest and most circumspect man on the field on that fatal day, was indicted jointly with Apperson Perry. They were tried by a jury of Fleming county and acquitted.

The court was held under the protection of State troops, and I quote again from the Adjutant General



and Captain Macpherson's reports. (See Documents 1887, No. 23.)

"The trial lasted for seven days. Pigman and Perry were shown to be men of excellent character, neither of whom had been parties to previous killings in Rowan county. The evidence being concluded, the court instructed the jury. Briefly summarized, these instructions, some of which are said to have been drawn by Z. T. Young, were: "Convict these defendants." The jury, however, were really "good men and true," and to the evident surprise of the court, and the chagrin of the prosecuting attorney, returned a verdict of not guilty. These jurymen had been summoned from Fleming county. They were: Noble H. Cain, Andrew Porter, W. H. Smith, William E. Courtney, James P. Allen, William McCann, E. S. Parker, H. C. Hawkins, J. S. Savage, Frank Peed, James W. Overly and C. H. Dougherty. Their names deserve thanks of all good citizens of the Commonwealth. Obedience to the law, and protection from the law, are reciprocal rights and duties, and this jury really decided, that where those to whom it is delegated to administer the laws, and to protect the life, liberty and property of the citizens, wilfully disregard, or timidly refrain from discharging their duties, the citizen has the right to protect and defend himself."

Logan was never indicted, although Young and others made every effort to do so.

The glaring partiality of the Court, the corruption of most of its officers is well illustrated in the report referred to by Captain Macpherson.

He says: "Not infrequently a witness would apply to an attorney the epithet of a liar; and when questioned relative to some crime charged against him, a witness would defend his credibility on the ground, that his questioner was guilty of offenses of similar character, which he would proceed to enumerate."

Even the Court would express his opinion in words of abuse, very plainly exhibiting his partiality or prejudice. "Indeed, when the case of the Common-

wealth of Kentucky against John Keeton was called for trial, and the affidavit of the defendant and two reputable housekeepers, asserting the belief, that the presiding judge would not afford the defendant a fair and impartial trial, was, by the defendant's counsel, handed to the judge, he remarked, after reading the instrument aloud, that "he was not surprised; that John Keeton would swear anything; that he had sworn to so many lies already that it was not astonishing that he (the judge) would not give him a fair trial." This observation of his Honor was delivered in the presence of the jury that was to be selected to try Keeton."

It is clear that with such a court Logan could never have hoped to overthrow the lawless band, and his course is, therefore, doubly justified.

Adjutant General Hill says:

"Almost every one with whom I talked, heartily approved the day's work, barring some excesses, which were committed, such as the killing of the two wounded men after the fight was over, and the disposition on the part of certain members of the posse to abuse their victory by manifesting some disregard of property rights, which conduct was bitterly lamented by the more conservative members of the posse, notably by Boone Logan himself. The victors of the 22d of June were, in the main, singularly moderate and forbearing, and it is denied by none of the people there that they rendered a most valuable service to the county in overthrowing the outlaws who had so long terrorized the community."

Some time since the battle A. M. Bowling, of Farmers, Ky., was found dead, murdered. It was thought by many that he was another victim of the feud, but he was a very dangerous character, and had many enemies outside of the Martin and Logan factions. There is absolutely no definite proof that he was murdered as a result of the feud. Bowling, the reader will remember, was the man who presented the forged order to the jailer for the delivery of John Martin on the night of the murder.



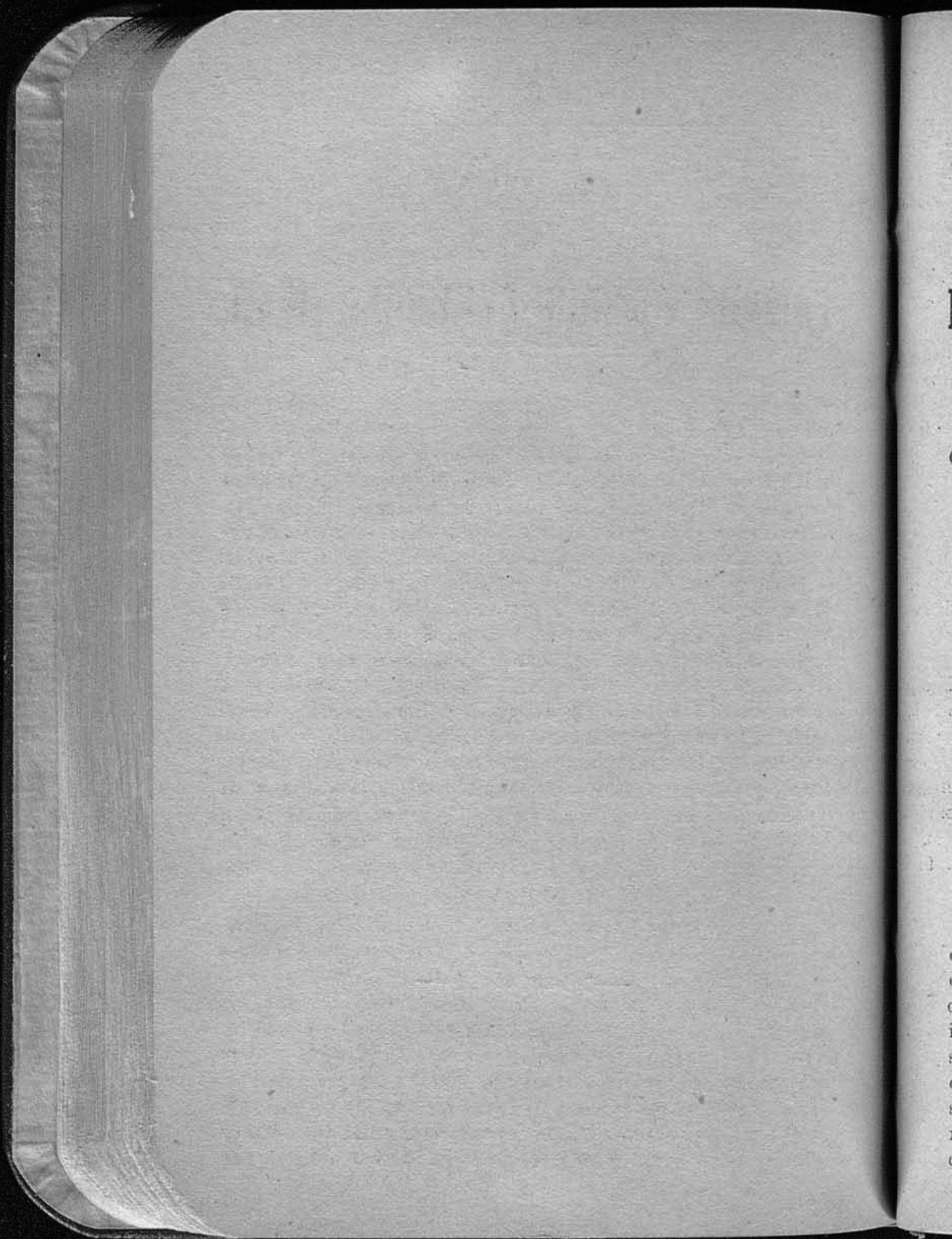
D. Boone Logan remained a resident of Morehead until the year 1891, when he removed to Pineville, Bell county, Ky. He enjoys a lucrative practice in the counties of Bell, Harlan, Clay, Knox and Leslie counties. He is well liked by all that come in contact with him. His conduct has ever been that of the typical Kentucky gentleman.

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Here ends the story of this remarkable feud. The wrongs committed by both parties can never be righted. The chief causes of the long continuance of the disgraceful disorders in Rowan county have been the confidence of the law-breakers that their crimes would not be punished, and the belief, or apprehension of many of the good citizens, that the legal machinery had been and would be conducted in the interest of a few men.

The remedy for this lax condition of public morality in officials rests with the General Assembly. Not only can they describe the duties of officers, but they can affix to their neglect such severe penalties as will force an observance of duty, and can provide for a more effectual prosecution of delinquent officers, with a view of judicially ejecting from office such as have been faithless to the trusts confided in them by the people.







## CHAPTER V.

### THE

# FAMOUS FRENCH-EVERSOLE WAR.

[Perry County.--1887-1894.]

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Origin of the Feud.--Murder of Silas Gayhart. Banding Together. Scouting. Compromise. Murder of Gambrel. Assassination from Ambush of Joe C. Eversole and Nick Combs. Brutality of Their Murderers. Campbell Becomes Chief of the Eversoles. Hazard in a State of Siege. Campbell's Tragic Death in the Streets of Hazard. Murder of Elijah Morgan near Hazard. State Troops Arrived at Hazard. County Militia Organized and Armed. Terrific Battle at Hazard. Thrilling Experience of Fields and Proffit. Killing of Ed. Campbell. Murder of McKnight. Wounding of Jesse Fields. Burning of the Court House. "Blanket" Court. Troops Again at Hazard. Attempted Assassination of Judge Combs. Judge Combs Murdered. Exciting Battle Between Officers and Outlaws. Conviction of Atkins. French Acquitted. Execution of Tom Smith. Jesse Fields Acquitted.

Before narrating the many bloody and stirring incidents of this feud, the reader is asked to permit some explanations in advance of the subject matter of this chapter. Much difficulty was experienced in obtaining accurate information concerning this struggle, since only intimate friends of the chief actors were competent of giving detailed accounts of the circumstances attending it, and to trust implicitly to one side might have worked serious injury to the other. Many crimes were committed, men were killed under the

cover of black night, or shot from well secreted places, and thus suspicion alone would point out often innocent persons as the perpetrators of the foul deeds. Suspicion cannot be made conclusive. For this reason the writer has abstained from charges, which were never substantiated beyond all danger of a doubt. To make such charges, based upon suspicious circumstances only, might lead to future complications, and fan, directly or indirectly, the smoldering embers into a lurid flame, especially so, since some of the parties who have been engaged in this struggle are yet alive, and, having returned to peaceful pursuits, are highly respected citizens in the community in which they live. As there are two sides to every case, I present the versions of both sides, wherever I deem it necessary to do so, since it is utterly impossible for me, or any one else as to that matter, to judge impartially or to place the blame and fault upon one side or the other without the imminent danger of casting unjust reflections.

In this feud we are not confronted with a lot of totally depraved, ignorant men, as is the case in the feuds that raged in some of the other counties, notably, in the great Hatfield and McCoy war. The war in Perry county was conducted by men of intelligence, men of wealth, and members of honorable professions, by members of families of high standing, some of which have been honored with high offices in the county.

Such was the material that composed the majority of the players in the terrible drama. They were warm in friendship, true to their friends, but uncompromising and bitterly revengeful towards an enemy.

There is no doubt that in this, as in other feuds, which have so recently given a more terrible significance, and a still more crimson hue to the history of the "Dark and Bloody Ground," there were men who shunned battle, and feared to oppose their breasts to the shock of an awful death struggle, but gloried in pouring oil upon the flames without danger to them-



selves. In such a struggle, a traitor is more dangerous than a hail of death-dealing missiles. With the countenance of a saint such a man will seek the confidence of both sides; he delights in posing as a peacemaker, but at an opportune moment, when the trouble is about to abate, he conveys some confidential intelligence to the parties for whose ears it was least intended; the strife is renewed, passions are rekindled; but while men fall in their heart's blood and widows mourn and orphans cry, the traitor, the tale-teller, maintains his saintly countenance, and bewails (?) the fate of the unfortunates.

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The scene of this war was in Perry county, Ky., one of the most mountainous sections of Southeastern Kentucky, and far removed from railroad communication. Hazard, the county seat, is a small, but surprisingly thrifty mountain town, situated on the North Fork of Kentucky river. Here at Hazard was the cradle of the feud, which for a time attracted the attention of the newspaper-reading public of many States. Here lived the original chiefs--Joseph C. Eversole and Benjamin Fulton French. Both were men of fine business capacity, successfully engaged in the mercantile business; both were prominent lawyers of the Perry courts; both were in easy financial circumstances, and both enjoyed the friendship of many people. Eversole was extensively related throughout Perry and adjoining counties. French, who had originally come from the State of Tennessee, but had married a Kentuckian, was related by marriage to many people in Leslie and other counties. They had considerable business dealings with each other, and were friends, until a misunderstanding over a trivial matter furnished an excuse to become enemies.

As the bird on the snowy alpine slope starts a snowflake, so insignificant at first, but increases as it rolls rapidly down the steep, and becomes an avalanche, thundering into the valley below, carrying everything

before it, leaving a path of desolation and destruction and death behind it, so a difference over a business transaction opened graves for many a brave and generous man, desolated once happy homes, and for a time cast disgrace upon the old State of Kentucky. French and Eversole disagreed and quarreled. At every subsequent meeting the quarrel was renewed with increased bitterness, perhaps freely interspersed with menacing threats. Business rivalry added fuel to the flames, both men being engaged in the mercantile business, and each tried to outdo the other, often at a financial loss. Very serious trouble might yet have been averted by the interference of friends, but an unfortunate circumstance precipitated the war.

It is said that a certain person, whose name is withheld, conveyed information to Eversole that French sought his life. Coming, as this information did, from one of French's friends, (?) a man, who, as French's clerk in the store enjoyed the confidence of his employer, it was but natural that Eversole readily believed the story related to him, especially so, since Eversole and his antagonist were already at enmity. We are ever as ready to believe a thing that is against us, if it comes from an enemy. He claimed that French had confided to him his plans of ridding himself in a summary way of his rival in business; that, with him out of the way, he would have a clear field in business; that he expected to accomplish his end by and through trusty, hired assassins, and that part of the plan, the employment of reliable murderers, he entrusted to him, whom he offered to furnish with money for the purpose, and promised him a partnership in the business as a further reward for his services. Whether for real or imaginary causes, this person grew intensely jealous of French over a woman, and sought consolation in revenge, and conveyed the information referred to, to French's enemy, Joe C. Eversole. Eversole is said to have requested his affidavit to the charges, and the latter reiterated the statements with such a clearness of detail, that



Eversole dismissed all doubt of the truth of the revelations, and prepared to meet his enemy well. French, who, of course, noticed the gathering of the Eversoles and their friends in arms, also surrounded himself with a force. Man after man was added to the respective forces, some joining them bound by the strong ties of relation or friendship, others attracted by promises of good pay, and an opportunity to violate law on a grander scale than they had dared to do single-handed.

One of French's staunchest friends, Silas Gayhart, was shot and killed shortly after the trouble broke out, and while the bush-whackers were never definitely ascertained, no one ever being convicted for it, the Eversole faction was held responsible for the deed by his enemies, from the fact that Gayhart was a friend of French.\* It has been quite frequently alleged, that Gayhart fell the victim of a quarrel with some one not at that time engaged in the brewing feud, and that his murder should not be connected as a result of the war. This may be true, but be that as it may, it served as an excuse on the part of French to increase his vigilance, as well as his "army." The little town of Hazard, then scarcely numbering one hundred inhabitants, was thrown into a state of perpetual excitement all through the summer, fall and winter of 1887. That no battle was precipitated was no doubt due to the extreme caution and watchfulness of all the par-

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\*There were engaged in this killing more than a dozen white men and negroes. It is unfortunate that circumstances prevent us from giving the names of the parties engaged. They should be preserved and added to the constellation of feud heroes. It required a remarkable, though peculiar kind of courage, for fourteen men to start out to battle with one man and kill him from the bushes, but there are, of course, differences of opinion as to what constitutes true heroism. No doubt in the minds of such assassins the deeds of Dewey, Hobson or Funston are but child's play.

ties concerned. Thus matters stood, until one morning the Eversole clan were surprised and astonished to learn, that French and his men had evacuated the town during the night. Numerous theories were advanced in explanation of this action. Some attributed it to fear, while many contended that French was seeking reinforcement, and at an opportune moment would return and surprise the town and annihilate the enemy with an overwhelming force. If such were French's intentions, Eversole prevented the execution of the plan by strategy. Leaving a sufficient number of his men at Hazard to be ready in case of surprise, he himself, accompanied by a select company of men, scouted through the surrounding country, generally on the trail of French, and keeping himself well informed of his movements.†

During the month of July French succeeded in entering the town. Most of his men remained secreted, but others sauntered through the streets defying the Eversoles. Their leader was absent on that day, but a courier was dispatched to him with the information that the French forces were in town. There were but few men at his command at that time, but with these he started for Hazard. Fortunately for him, seven or eight men joined him on his way to town. It was late in the day when the town was reached, but this did not postpone action. The Eversoles opened a brisk fire upon the houses where French and his men were concealed, the latter replying to the fusillade with equal

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†A battle was narrowly averted near the residence of John C. Lewis, on Cutshin, in Leslie county. John C. Lewis is the father-in-law of Mr. French, and at his home the latter came near being surprised by the Eversoles. As it happened, French and his men slept in a nearby barn, when the Eversoles surrounded the dwelling house of Mr. Lewis and entered it, searching for French, but failing to find him, or, more, likely, fearing a surprise themselves, retreated as swiftly as they came.



spirit. The darkness of the night brought the engagement to a close, and French withdrew silently. In this action one of French's men was said to have been killed, though this was denied by his comrades; latter developments show, that the man was wounded, but recovered.

Thus matters continued throughout the summer with no decisive result. Both clans grew weary; the great expense incurred in keeping such a large force of men threatened the leaders with bankruptcy, and when the friends of both sides interceded, French and Eversole were more than willing to send representatives to a conference, which was held on Big Creek in Perry county, and which was attended by George Eversole, a brother of Joe; Dr. John Lewis, T. G. Lewis of Hyden, Ky., Zach Morgan of Leslie county, and others who were anxious to bring about a settlement of the trouble if possible. Articles of agreement were finally drawn up, in which the belligerents agreed to return to their homes, disband their armies, and surrender their arms. This agreement was signed by the representatives present and duly witnessed. In accordance with this agreement French surrendered his arms to the County Judge of Leslie county, while Eversole placed his guns in charge of Josiah Combs, the County Judge of Perry county.

The clans disbanded, but the initiated expected no lasting result from the treaty on Big Creek; the compromise was the result of necessity, to avoid financial ruin, but the feeling of mistrust still existed. Then the tale-teller began his miserable work. French was informed, that Eversole had violated the treaty, and

had possessed himself of his guns; that they had been turned over to him voluntarily by Judge Combs, who, by the way, was the father-in-law of Joe Eversole, and the latter claimed to have received definite information, that French had in reality at no time since the treaty disbanded his army. Whether these reports were actually circulated, or whether they were manufactured by the factions themselves, in order to have a pretext to renew hostilities, is a matter of doubt, but the sequel clearly shows, that both sides were singularly well prepared to renew the war, proof conclusive, that at no time since the treaty was there an earnest desire to keep the peace. Within a few days after the signing of the agreement Perry county was again in a state of war.

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On the 15th day of September, 1887, Joe Eversole and Bill Gambrel, a French sympathizer, met in the streets of Hazard, when a quarrel ensued, which was followed by a most sanguinary duel, in which Gambrel was killed.

Gambrel was a minister of the gospel of the most singular pattern. He was a typical mountaineer, tall, powerful and game. He would fight at the drop of a hat and drop the hat himself. He believed, that mountain dew is very good for the stomach, and a game at cards an agreeable diversion from the cares and toils of life. It is said, that he was frequently seen to carry a testament in one pocket, a deck of cards, a bottle of liquor and a pistol in the other, This may be exaggeration, but it is a fact, that he entertained the most



singular ideas as to the duties of a preacher. Eversole himself was a very small man, but quick and agile as a boy, and fearless in an encounter. When such men engage in combat, blood surely flows. As to who began the difficulty, eye-witnesses differ widely; the report of an officer to the Governor, however, alleges, that Eversole provoked the fight. After some words Gambrel was fired upon. Running around a house, he was fired upon by another party and fatally wounded. Staggering and reeling he turned upon Eversole, when the latter shot Gambrel through the head, instantly killing him. Eversole was never indicted for this, but after his death his brother John C. Eversole was indicted as an accessory. At the first trial the jury failed to agree; the second trial resulted in the acquittal of the accused. It is an open secret in Perry county, that the party, who fired the first fatal shot, was never indicted, and at that time was an officer.

This killing created intense feeling. Gambrel had many friends, and being a staunch French adherent, it was but natural, that the killing should be construed by French as a challenge; on the other hand Eversole expected and had good grounds to expect a determined attempt on behalf of Gambrel's friends to avenge his death. Both clans increased their forces, and for several months Perry county remained in a state of anxiety and constant dread of a bloody conflict. But to the great surprise of those who expected a conflict at any moment, the war chiefs appeared to disband their armies; matters assumed an air of returning peace; the people breathed a sigh of relief, hoping for a permanent restoration of law and order. The

delusion was, however, suddenly and terribly dispelled, the calm changed to a violent storm, when the news of the

#### BRUTAL ASSASSINATION

of Joe Eversole and his kinsman, Nick Combs, reached Hazard and shocked the people of South-eastern Kentucky.

On the morning of April 15th, 1888, the valley of Big Creek, Perry county, Ky., became the scene of a tragedy, which might well cause the blood to run cold in horror. On the Sabbath day, when all human hearts should turn to God in prayer; when nature even bows in reverence, and the birds of the forest sing his praises with more than usual sweetness, on that day two lives were hurled into eternity without warning, murdered, cruelly butchered, shot from ambush.

When a man resents an insult, and passion clouds all reason, and in that condition he slays his fellow man, there is yet some excuse, but when men (?) with the savage instinct of the beasts of prey fall upon their unsuspecting victims from ambush, as the tiger, that glides noiselessly through the jungles, and suddenly springs upon its prey, the word 'man' becomes a mock and 'devil' is too mild an epithet.

Nowhere in the valley of Big Creek could a more suitable spot be found to accomplish a crime, such as was committed on that fatal Sunday morning, than the one chosen by the red-handed devils. The valley is narrow, the hills enclosing it are very steep and covered with dense forest. A spot, that afforded a



safe hiding place and at the same time commanded a clear view upon the road had been carefully selected.

On the day of the murder Joe Eversole, in company of his father-in-law, Judge Josiah Combs, and the latter's youthful nephew, Nick Combs, bade his last farewell to his family and many friends at Hazard, and started for Hyden, where the regular term of the Circuit Court began on the following morning. This court Judge Combs and Joe Eversole always attended and this the assassins knew. Fearing, that the intended victims might leave for Hyden a day or two earlier, as in fact they had done on previous occasions, and to guard against a failure in the execution of the plot, the assassins prepared the ambush and were in readiness for at least a day before the murder. Their patience was rewarded Sunday morning by the appearance of their victims. On the way the three were joined by one Tom Holliefield, an officer, conveying a prisoner, Mary Jones, to Hyden. Judge Combs was riding at the side of the officer. They had passed the ambush some forty yards or more, when suddenly the roar of rapidly fired guns echoed through the valley. At the sound of the shots Judge Combs turned, and saw, that the messengers of death had accomplished their frightful mission, saw Joe Eversole and Nick Combs fall from their horses, saw them

WELTER IN THEIR HEART'S BLOOD.

Almost paralyzed with horror and agony, he gazed upon the awful scene, when one still more terrible brought him back to a sense and realization of his own danger. One of the assassins climbed down the steep

hill-side, and approached the body of Nick Combs, who was then writhing in his death struggle. He had fainted, but at the approach of the assassin opened his eyes. The murderer, finding that life was still lingering in the mangled body, raised his rifle to finish the bloody work. The youth begged piteously to shoot him no more, that death would claim him in a few moments. Mountains might have been moved by his pleadings, but not the brute in human disguise. "Dead men tell no tales," he exclaimed, while a smile of derision played upon his lips. Slowly he raised the Winchester, placed the muzzle at the boy's head and fired, dropping the

#### EYE BALLS FROM THEIR SOCKETS.

The murderer then calmly rifled the pockets of Eversole of their contents and retreated. Judge Combs spurred his horse to utmost exertion and like a maniac dashed into Hyden, where the news of the crime chilled every heart.

The scene of the crime is within about three hundred yards of Jacob Fields' house, and shortly after the shooting Fields and one Campbell proceeded to the scene of the tragedy. The dead lay in a pool of blood within a few feet of each other, and it is hardly necessary to add, that young Combs presented a frightful spectacle. Eversole's pockets were turned inside out, clearly demonstrating, that the crime of robbery had been added to the murder. In a small meadow below Nick Combs' horse was found severely wounded, while Eversole's horse was caught a few miles from the scene.



The news of the awful tragedy spread like wild fire throughout the country, and as soon as a sufficient contingent of men had assembled, the hunt for the murderers began. The place of ambush, from which the fatal volley was fired, was located exactly sixty one feet from where the bodies lay, in a dense spruce pine thicket. Several pine bushes had been bent over, and the tops tied together, thus forming a complete screen. Just behind this screen or blind there was a considerable depression in the earth, a rifle pit. This was filled with leaves, and these appeared packed and trodden into the ground. Numerous foot prints were plainly visible. Remnants of meals were also found; in fact everything confirmed the theory, that the assassins had been there for at least two days before the killing. From this screen the trail was followed up the hill, until it divided, one leading on to the top of the ridge, one turned to the right, and a third led to the left. It being now a certainty, that there were not less than three assassins, it was thought prudent to desist from further pursuit. Three men so desperate as to commit a cold blooded double murder in the broad light of day almost in sight of human habitations, would, and in this wild mountain region easily could successfully resist even a strong and well organized posse, perhaps causing the loss of many lives.

The bodies of Eversole and Combs were taken to Hazard and consigned to their graves in the cemetery overlooking the town amid an immense concourse of sorrowing people. Thus the bloody drama ended and the somber curtain falls upon the double tragedy with justice yet unavenged; the story of the brutal assas-

sination of Joe Eversole and Nick Combs is finished, save for the incurable lacerations, that the hearts of the innocents must suffer for many years to come.

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Joe Eversole, at the time of his death was in the very prime of manhood. His superior intelligence and ability as a lawyer easily made him the people's choice for office, and it is conceded even by his enemies, that his death only prevented his elevation to a seat in Congress. He was human and as such had his faults, the greatest of them being an unbounded ambition, that would not bear opposition. It led him into deplorable excesses, which finally caused his death. Like CÆSAR he was slain because of his ambition.

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Though none of the assassins were known at the time, the Eversole faction at once openly charged French with the murder, or at least with being the instigator of the affair. French, seeing the rage and desperation of his enemies, assembled his men and withdrew, scouting through the surrounding counties.

If those who committed the murder of Eversole, or their accessories hoped to crush the enemy, they found themselves sadly mistaken. The vacancy in the leadership was quickly and ably filled by John Campbell, a man of acknowledged bravery and caution, well fitted as a leader in such a struggle. The town was surrounded with guards, and squads of



armed men patrolled the town and surrounding country by day and by night. No man not having the pass-word was allowed to enter, and an unauthorized attempt to do so would have incurred dangerous risk. Campbell was in hourly expectation of an attack from the French forces, and sought by the exercise of military discipline to avoid surprise by sudden assault. His order to shoot any one who failed to give the sign resulted in his own death by accident. Passing one of the negro sentries in the night, he instructed him to fire upon any intruder. Campbell returned some time after midnight, and approaching the sentry, found him asleep. Being suddenly aroused from his slumber, dazed with fright he threw the gun to his shoulder and fired. Campbell uttered a groan and fell heavily to the ground. The sentry instantly perceived his awful mistake, gave the alarm, and the wounded chieftain was carried to his home, where an examination of the wound revealed little chance of recovery. After lingering in intense agony for more than thirty days, John Campbell, the successor of Joe Eversole, died, a victim of his own orders and precautions.

During Campbell's leadership Shade Combs conceived an idea, that he was the man who could summarily end the war by killing off certain members of the French faction. Campbell furnished him a detail of men. By some means his intended victims learned of his plans, and the hunter was now being hunted, until one fine morning, while saddling his horse, a shot from the bushes ended his life, adding another to the ever growing number of assassinations from ambush.

Conditions in the county promised a continued reign of terror, and no relief appeared in sight from the Courts. Circuit Judge Lilly, a gentleman of the highest type and a very able jurist, seemed, however, utterly unable to inspire the district with respect for his court. In many of the counties composing the district the law breakers did as pleased them, and Judge Lilly finally refused to hold court in the counties of Knott, Letcher, Perry, and Breathitt without the protection of soldiers. This led to a very spirited correspondence between the Judge and Governor S. B. Buckner. If the highest judicial officer of a district suffers himself intimidated by a handful of law-breakers and outlaws, is it surprising, if the inferior officers become neglectful themselves, and citizens refuse to expose themselves to the vengeance of outlaws by occasional attempts to interfere with their murderous sports with human lives? Can those, who have in vain applied to a powerless court for redress and protection, be censured, if from sheer desperation they turn to the Winchester as the better and more reliable protector and avenger than a weak administration of justice. While Governor Buckner and Judge Lilly tried to convince each other as to whose duty it is to subdue lawlessness, the murder mill in Perry county went on undisturbed.

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On the 9th of October 1888 the news of another cowardly assassination terrorized the people of Perry county. Elijah Morgan, a French adherent, a man of courage, unswerving determination and of consid-



erable influence. Morgan lived within about two miles from Hazard. On the morning of his death he and one Frank Grace were on their way to town, in pursuance of an agreement made with members of the Eversole faction. Morgan was a son-in-law of Josiah Combs, but inspite of all efforts in that direction he remained a staunch French adherent, and for this he was slain. Morgan's shrewdness in avoiding his enemies rendered the task of his assassination very difficult. A ruse was therefore resorted to. Morgan had repeatedly expressed a desire and wish to lay down his arms and return to peaceful pursuits. This commendable desire on his part assisted his enemies in carrying out their dastardly design. He was assured, that he should not be molested if he came to town; that they would, (on the day of the murder) all meet there and renew the friendships that had been torn during the war. Little did he dream while on his way to the supposed peace jubilee, that the pretended friends were calculating traitors, seeking his life under the miserable mask of friendship; that, to be certain of success, every chance for escape had been carefully considered and guarded against. Assassins were placed at points along the road and at a convenient spot in the town. The actors of the drama were promptly at their posts when Morgan stepped upon the scene, playing the chief role. Within one mile of town, at a spot, where the road is flanked by large and overhanging cliffs on the one side and the steep river banks on the other Morgan was fired upon. With a bullet in his back Morgan sank to the ground. A number of shots followed, driving Grace to cover.

Morgan in his death struggle rolled over the river bank, where a small tree arrested further descent, while Grace, not daring to abandon his cover, remained a helpless spectator of the agony of his dying friend. Some country people going to town at last came to Morgan's relief, but he died within a short time. The alarm was given at Hazard and a posse of his friends started in useless pursuit.

The assassination of Morgan was, quite naturally, charged to the Eversole faction from the start, increasing the hatred already so deeply rooted and firing the passions of the accused as never before. But how could the Eversoles justly complain? They had on several occasions charged men with murder on the grounds of mere suspicion, and the murder of Morgan following closely upon the assassinations of Eversole, Nick and Shade Combs and the similarity of the crimes certainly warranted the suspicion, that the murder of Morgan was an act of retaliation and revenge.

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It would serve no purpose to describe in detail the many bloodless encounters and the chaotic condition in the county. Suffice it to say, that soldiers were sent to Hazard at the November term of the Circuit court with no perceptible result toward ending the war. The county militia was organized and supplied with guns. These guards could not be relied on. Many of them were themselves partisans in the trouble, some being accused, perhaps unjustly, of



taking actual part in the conflict that came during the November term of the Circuit Court. At the previous term of court quite a number of indictments had been returned against many of the feudists of both sides. This would naturally bring the accused and their followers into contact. It was, therefore, not surprising, that the court opened with ill-concealed apprehension on the part of the court, officers and people. No troops were sent, the Home Guards being deemed sufficiently able to preserve order. Judge Lilly himself did not share the Governor's confidence in the efficacy of the Home Guards, and failed to appear at Hazard. An election for special judge resulted in the seating of W. L. Hurst as judge pro tem.

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#### THE BATTLE OF HAZARD.

[Nov. 7th & 8th, 1889.]

Court proceeded with unimportant business until the 4th day of the term. There was considerable disorder during the previous night, but actual hostilities opened the following morning. During the day a heavy volley of shots rang clear and sharp through the cold November air and echoed through the valley. There was a moment of deathly silence in the court room, then with one impulse every man, judge, lawyers, jurors, officers, and bystanders rushed out of the court room and into the street, seeking secure quarters or leaving the town with rather unusual celerity, while the scattered members of the factions joined their comrades in arms.

When the first volley was fired, no one knew what had happened, and no questions were asked. It was instinctively assumed, that it was the opening volley of the long expected battle between the French and Eversole forces, and it proved true, although the first shooting was done by a man, who owned at the time a glorious jag. If the matter had been rightly understood, the battle might have been averted; as it were, the panic was instantaneous, the factions rushed to arms, and Ed. Campbell, the man who fired the fateful volley, paid with his life for his folly. It appears, that Campbell was engaged with others in a game of cards on a hill overlooking the town, known as the Graveyard Hill. In a spirit of hilarity, produced by an over-indulgence in fire water, he stepped to the side of a tree, and fired his pistol. In the upper end of town one Joe Davidson kept a store. At the report of Campbell's pistol Davidson stepped to the rear window of his store, and saw Campbell standing on the hill waiving his still smoking weapon. Davidson procured his Winchester, took deliberate aim, fired, and Campbell sank dead to the ground.

As soon as the panic-stricken crowd left the court house, the Eversoles, headed by George and John C. Eversole, rushed in and took possession of the building. Two of French's men, Jessie Fields and Bob Profitt were yet upstairs in the court room, when they perceived their enemies occupying the same building. There was but one chance for escape--a leap from the second story window into the yard below. Outnumbered, as they were, they could not hope to successfully resist a number of determined and angry men.



Surrender might have cost them dearly. Running into one of the jury rooms, the two locked the door and hastily opening a window, jumped into the yard without sustaining injury. They were seen, however, by the Eversoles, and fired upon as they ran to the jailer's residence for cover. The jailer's residence, as well as the court house, is built of brick, the two structures standing within about fifteen feet of each other and fronting the street. Fields and Profitt soon realized their position as anything but comfortable, the little building being literally peppered with bullets. Fields himself was the jailer, and occupied the building to which he had fled for safety, or, more likely, for the purpose of possessing himself of guns and ammunition, before joining his comrades. To reach his arsenal, he was compelled to again expose himself to a raking fire, but received no wound, and soon joined in the now general battle. All through the afternoon the fight continued. Clouds of smoke hung low and heavy over the unfortunate town. The constant clatter of fire arms, the incessant hissing of leaden missiles, the shouts and defiant curses of enraged combatants, the silent terror of men, women and children, --it was a scene, that caused the stoutest hearts to recoil in horror, a scene never to be forgotten by those who witnessed it.

Neither party dared an open attack. Fortified in their quarters every man took care not to expose himself, as the moment he did so he was sure to become a target for many guns. As the night approached, the position of Fields and his comrade became precarious indeed; an attack under the cover of night would,

in all probability, prove disastrous if the Eversoles attacked in force; yet, to join their friends, they must run a gauntlet of shots. After a deliberate consultation Fields and Profitt decided to make the run to the French quarters. It was dark, when the two desperate men started on their perilous journey. With heads bent down upon their breasts, like men who face

A BEATING HAIL,

they ran for their lives, with every gun of the enemy trained and fired upon them. Presently the defiant shouts from the French quarters proclaimed their safety. French was absent from town, when the battle began, but arrived during the night, crossing the river above town. All night long the battle continued with scarcely an intermission in the firing. During the night Tom Smith and Jessie Fields, two French men, succeeded in eluding the vigilance of the Eversoles and occupied the Grave Hill. When the first ray of dawn approached, Fields and Smith opened a terrific fire upon the Eversoles in the court house, the balls crashing through the windows, driving the occupants to seek safety by throwing themselves upon the floor. During the early morning hours two of the Eversole men attempted to cross a street near the court house, when Fields and Smith opened fire. One of the men, J. McKnight, was instantly killed, while his companion escaped. Smith and Fields used a sunken grave as a rifle pit and from a tomb stone Smith took the rest for the shot that killed McKnight.

The strategic advantage of French's men perplexed the Eversoles, who, penned up in the court house,



were rendered practically helpless. The fusilade was so continuous, that an attempt to return the fire from the windows would have meant certain death. The leaden missiles crashed through the windows, tearing the wood casings to splinters, the shutters being completely shot away. The furniture in the court room was thrown about and knocked into atoms, throwing pieces among the men on the floor. The building, from which the Eversoles expected so much as a point of vantage proved,

#### A DEATH TRAP

from which to retire the Eversoles appeared as anxious as they were to take possession of it. Their retreat to the river bank was effected in safety, but to prevent attack while crossing the river, Green Morris and a companion remained concealed under the banks of the river. Fields and Smith on the Graveyard Hill were the first to see the Eversoles in retreat and started in pursuit. Approaching the hiding place of Morris, the latter fired, wounding Fields severely in the arm and thus effectually checking further pursuit. If Smith and Fields had reached the river unharmed, the record of the fight might present an increased list of casualties, as both were men of great courage and good markmanship.

The remarkably small loss during this battle has often been commented upon. There was a great deal of powder burnt with but little damage to either side. Perhaps the fact, that both sides fought from protected places and most of the shooting was done after dark offers some explanation.

On the record books of the Perry Circuit Court appears an order of special judge Hurst, giving his reason for the unceremonious adjournment of court. The production of the record in full will doubtless be appreciated, and the reader will most likely admit, that Judge Hurst's excuse for an adjournment is a valid one.

"Perry Circuit Court.  
4th Day Nov. Term, 1889.

At this term of the Court there were two armed factions in the town of Hazard, the French and Eversole factions, antagonistic to each other.

On the second night of the Court, the acting judge was shot but not wounded (?) in the French end of the town, French not being in the town at the time, but some of his men were and the next evening at dusk a 'dinamite' or other cartridge with burning fuse attached was thrown over the Judge's room or house in which he stayed and exploded heavily on the other side of the house.

Court continued till the evening of the 4th day, when the two factions began heavy crossfiring at each other in earnest about and near the court house, which completely 'correlled' the court, the jury, the officers and people in court for some time, and before the firing abated, the Judge plainly seeing, that it was not intended, that court should be further held, and it being impossible to further progress with the



business and live, the court ordered the clerk to adjourn the court and the non-combatants to save themselves as best they could. They did so, but one shot was fired at them from the Eversole quarters as they left.

The fighting continued through the next night and until about 9 o'clock the next day excepting some intervals of rest. The French side received reinforcement from Breathitt county. During this fight two men, friends of the Eversoles, were killed in the battle and it was rumored, that one of the French party was badly wounded and perhaps killed and another one wounded.

The Eversole party claimed, that they were destitute of ammunition next morning and retired from town without being injured thereby. The clerk left with his keys, the jury left, the Judge remained till the next morning in the town and after the retreat of the Eversole party, when he received news as coming from the French side, that he and the women and children could leave the town unmolested provided he did not go back to the court house, whereupon the court and some of the women and Commonwealth' Attorney quietly marched away and in pursuance to the Court's orders this Court is hereby adjourned in course. This order was signed at the August Special Term of the Court 1890 and on the 11th day of August 1890."

Immediately after the battle the factions scattered through the neighboring counties, scouting in small detachments, and continually shifting quarters.

French removed into the country; Judge Combs took up his temporary residence in Knox county, very seldom visiting Hazard. A number of indictments for grave charges were pending against many, who, fearing punishment, remained away to escape the law.

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#### BURNING OF THE COURT HOUSE.

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A special term of the Perry Circuit Court was called for August 1890. On the night of July 4th, however, a deed was perpetrated, which was intended to block the business of the court. In the dead of night the darkness that covered the valley, was suddenly dispelled by lurid flames leaping up to the inky sky.

The town was awakened by the shrill cry of fire, the crackling and crushing of burning and falling timbers--the court house was a seething mass of fire, and the people could only look on as the structure succumbed to the consuming element. There was never any question as to the origin of the fire; that it was the work of incendiaries, was the opinion of all. Fortunately most of the records were saved.

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Many of the feudists began to tire of the constant scouting. There was not enough real fighting to make it interesting; the occasional ambuscades had lost their charm and many longed for peace and home. Among these was Robin Cornett, an Eversole man. Pretending friends encouraged him to return to his home. He did so, and as day after day passed without the least mishap, visiting Hazard in apparent safety, he relaxed his vigilance, and fell, a victim of relentless assassins.

One morning, (in July 1890) Cornett, in company of his little brother, started to cut oats and finding the grain not ripe enough, abandoned the field and proceeded to the woods to peel logs. A tree, which he had cut, fell across a narrow ravine, elevating portions of the trunk several feet above the ground. He leaped upon it, ax in hand, when shots from the near bushes accomplished

#### ANOTHER FOUL ASSASSINATION.

Cornett sank dead upon the log, while his little brother ran for life and escaped.

There is no question, that Cornett's doom was sealed the instant he returned home. The murder was planned and executed with cruel cunning and occupies a front rank among the many infamous assassinations, which gave this feud such notoriety.

## THE LIONS CAGED.

At the special term of the Circuit Court Judge Lilly appeared, accompanied by a detachment of State Guards commanded by Adjutant General Gaithers of Louisville, Ky. The court house had not been rebuilt and a large tent served the purpose. It soon became evident, that the court meant business. A large number of deputy sheriffs were sworn in to supplant the inefficient Home Guards. These were at once disbanded and ordered to return the accoutrements received, but the few articles turned over were hardly worth the shipping expenses, many of the guns being broken. Within a few days after court began, prisoners were brought into court as fast as indictments were found. The jail became so crowded, that many prisoners were kept in a strongly guarded tent. As rapidly as the cases were called up and the accused were presented in court, they were transferred to the Clark county Circuit Court for trial. It was a wise and necessary step indeed, Not only would it have been impossible to secure qualified jurors, but the attendance of the accused, their friends and witnesses would most probably invite a clash between the contending factions.

The last days of the term of court, commonly called the 'Blanket Court' had come and gone without the least disturbance, and the removal of the prisoners to



the Winchester jail was also effected without mishap. The backbone of the war was at last broken, and a strange calm succeeded turbulence, bloodshed, battle, and anarchy. A great change came over the caged warriors. Disarmed and crowded in the narrow confines of a prison cell, they faced each other, but the deadly Winchesters were no longer in reach. Fast in the clutches of the law, the law, which for so long they disregarded, evaded, shamefully violated, they now had ample opportunity for reflection and sober reasoning of the absorbing and very pertinent question: How escape the punishment of the law? It was a knotty problem indeed. The lions, made captive, were now tame and submissive; passion gave way to calm reason. For the first few days after these foes met in prison, the hatred and bitter feeling gave vent in abusive epithets and fistic encounters, but the realization of helplessness reminded them of the need of making friends out of enemies. They realized the power to destroy each other in the courts, but would not the destroyer himself be destroyed? Revenge would only open more cell doors or furnish culprits for the gallows. It was this prospect of conviction, which effected at last what bloodshed could never accomplish--it reconciled in a measure the enemies of old, some of them actually becoming friends, and effectually clogging the legal machinery. The neces-

sity of self-preservation brought matters around in such a way, that we find men, who opposed each other in deadly combat, fight side by side the legal battles in court. None of the prisoners were allowed bail, but after their removal to Clark county one by one demanded examining trials and upon being allowed bail, readily executed bonds and returned to their homes and families, which many of them had not seen for months. Mr. French removed to Winchester, Ky., where he conducts a good mercantile business.

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Perry county once more breathed freely, and revived under the inspiring hope of a lasting peace, but struggles like these rarely cease without some dying convulsions. The lion, wounded unto death, may yet strike down his slayer and fall dead by his side. Two years after peace was made, a fight between Jessie Fields and John and 'Cass' Eversole in the streets of Hazard came near renewing the old troubles. It appears, that Cass Eversole, son of Joe Eversole, walked into Fields' store and apparently without provocation fired upon Fields, badly wounding him. Eversole retreated, fired upon and followed by Fields. Mrs. Combs, realizing the danger of her grand-son, and John Eversole, brother of Cass, threw themselves upon him to shield him, when Fields, infuriated beyond reason, mad with pain from his wound, fired point blank into the struggling mass before him. Mrs. Combs received a wound through her breast,



and John Eversole was shot through the hand, while the author of the difficulty escaped unharmed. At this moment Wm. Combs opened fire upon Fields, who in the meantime had received his terrible needle gun from the hands of his boy. Thus armed Fields drove Combs to cover. In this affray one Jessie Hale, a colored bystander, was instantly killed. The action of Cass Eversole on this occasion was rather unexpected, as he is usually of a quiet disposition; his sudden exposition of rage he himself might be unable to explain. Fields almost immediately after this removed to Buckhorn creek in Breathitt County, Ky.

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TRAGIC DEATH OF JUDGE JOSIAH COMBS.

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Tired with a life, that almost constantly separated him from those he loved, the uncertainty of their safety, and, more than all, the thought of being driven from home, determined Judge Combs to return to Hazard. He could have lived in peace and security elsewhere, but that humble mountain home, made so dear by the associations of his youth he could not forever abandon, now, in the chilly winter of old age. His many friends tried in vain to dissuade him from his purpose; like Custer he resolved to make his last stand. There is something sympathetic in the old man's attachment to a home, which for years only offered him danger instead of security, conflict instead of peace, sorrow instead of happiness. Already had he been fired upon while visiting his home. His escape at that time bordered on the miraculous, and

the attempted assassination should have convinced him, that his doom was sealed.

Judge Combs returned to Hazard, and on the morning of the 21st of September 1894 he succumbed to the assassin's bullet. The murder was committed in broad day and in plain view of many town people.

At the moment the fatal shot was fired, Judge Combs was engaged in conversation with 'Cass' Eversole, Ira Davidson, his son-in-law, and John L. Dixon, a lawyer of Hyden, Ky. Within a few feet of them was a fence inclosing a lot planted in corn which, together with the thick and tall growth of weeds, offered the assassin every opportunity to approach undetected within a few feet of his intended victim. There is a slight rustle, a hand carefully parts the waiving blades of corn, the gun is surely aimed, there came a puff of smoke, a loud report. Judge Combs reeled, and without speaking a word, walked across the street and at the door of his home sank to to the earth and expired without a groan. The murderer evidently was determined, that no blunder on his part should save the old man's life this time. From the moment the fatal shot was fired until Judge Combs fell dead, the gun was aimed and ready to fire should the first shot fail to do the work. Finding a second shot useless, the slayer walked to the rear of the lot where a confederate joined him. A third party kept up a fusilade from the opposite side of the river, evidently for the purpose of pretending the presence of a large force and thus prevent immediate pursuit. The three confederates then proceeded calmly down the river, retreating very deliberately, exhibiting



such a disregard of danger as is rarely witnessed among men trying to escape capture for a crime of such magnitude.

The utter recklessness and boldness with which the crime was executed completely stupefied the parties who witnessed the crime committed. Consternation, astonishment, stupefaction for some time delayed pursuit, and when a posse at last started after the fugitives, the latter had gone a considerable distance. When pursuers and pursued caught sight of each other, they fired. One of the outlaws was wounded and proceeded on his flight with great difficulty. A running fight was kept up for some distance, but when at last the fugitives retreated to the thickly wooded mountains, the chase was given up. Several members of the posse had their clothing torn by bullets, one having received a painful flesh wound.

Several of the eye witnesses to the tragedy and members of the posse claimed to have recognized Joe Atkins as the man who fired the fatal shot and Jessie Fields and Boone Frazier as his confederates. These were in due time indicted. Frazier was never caught, but Fields and Atkins were arrested and under strong guard conveyed to Hazard. The cases were transferred to the Knox County Circuit Court for trial. The best legal talent had been secured on both sides, the Hon. W. C. P. Breckinridge, a lawyer and orator of national fame being counsel for the defense. Thus far French had been only indirectly connected with the affair; then like a thunderbolt from a clear sky came the startling intelligence, that Tom Smith, one of French's men during the feud, and who had

been sentenced to death at Jackson, Ky., for the murder of Dr. John E. Rader, confessed to his many crimes, and had stated, that he was present, when French and Joe Atkins met at the residence of Jessie Fields on Buckhorn creek in Breathitt County, and perfected plans for the murder of Combs; that he, Smith, would have assisted but for a wound received at the hands of Town Marshal Mann in a street fight at Jackson. Much doubt has been expressed as to the truth of this confession, but it resulted in French also being indicted. While this confession was of no great consequence from a legal standpoint, it nevertheless strengthened the prosecution so far as it developed suspicious circumstances. The friends of the murdered man pointed with much emphasis to the fact, that Smith had always supported French, fought for him, took life for him; that Smith had confessed truly of his participation in the murder of Eversole, Nick Combs, Shade Combs, Cornett, Jake McKnight and Dr. Rader, and there could no good reason be assigned, why Smith should have desired the ruin of his friends and companions in arms, nor why he should attempt to do so with a falsehood. French, however, was promptly acquitted of any complicity in the affair. Atkins and Fields received life sentences at the first trial. The cases were appealed and reversed. On a second trial Atkins was again convicted for life, and is now doing time, while Jessie Fields was acquitted.

Thus ends the last act in the drama of the murder of Judge Combs. He was murdered because he espoused the cause of Joe Eversole, whom he saw shot



down in cold blood, he was himself driven from home time and again, fired upon and hunted like a beast. It cannot be denied, that he committed many wrongs both as an officer and private citizen during the feud. He was County Judge when the trouble first began, and instead of seriously attempting to subdue it, he permitted the love and friendship for his kinsman Joe Eversole to influence and lead him into acts not in strict accordance with the duties of an impartial officer and perhaps to some extent was instrumental in hastening the conflict by protecting his friends and kindred from the law, nevertheless his assassination was cruel as it was cowardly and certainly can under no circumstances be justified. If Judge Combs deserved death, do not his assassins, whoever they are, suggest to the world the idea, that they deserve a similar fate?

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THE END OF 'BAD TOM' SMITH.

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On June 28th, 1895 Thomas Smith, commonly known as 'Bad Tom' paid with his life the penalty of the law, and passed to that eternal and final court which knows no delay, no errors, no appeal; a court, where the villain faces the victim, where the lips of the accusers are opened and from them pour forth the awful truth. On that day Smith was hanged for the murder of Dr. John E. Rader, committed near Jackson, Breathitt County on the night of February 4th, 1895.

Though the crime which brought the earthly career

of one of Kentucky's most noted desperadoes to a close, is not directly or at all connected with the Perry County troubles, a recital of his crime will serve to show the brutal nature of the defunct criminal.

On the morning of February 5th 1895, the people of Jackson, Ky. , were horrified to learn, that Dr. J. E. Rader had been shot and killed while asleep, at the house of Catherine Quinn during the night. The prominence of the Doctor increased the magnitude of the crime in the eyes of his many friends, and every effort was made to ferret out the facts in the matter and deal out swift, stern and unrelenting justice to the guilty. The murdered man was found on a bed, covered with blankets, sleeping the sleep that knows no waking. A large hole in the chest told the story of murder.

Mrs. Quinn, at whose house the crime was committed, told a singular story. She stated, that Smith and the Doctor engaged in a drunken debauch; that Smith retired and while he slept, Dr. Rader attempted to assault her, that she resisted and in the ensuing struggle killed Rader; but there appeared no blood on the floor, and the bed was saturated with it. The location of the ball in the body, the holes in the covering and many other circumstances pointed to Smith as the real murderer. Closely pressed and finding her story completely refuted, the woman confessed that Smith killed the Doctor while the latter slept, but that the woman instigated the deed. Smith and his accomplice in crime were promptly indicted, tried and convicted, the woman to serve a life sentence in



the state prison; Smith received a death sentence. From the moment the crime was discovered there was an unflinching determination to punish the criminals to the extent of the law, and if justice had proven tardy the case would have been given over to Judge Lynch.

Smith made a desperate attempt to save his life. His case was appealed to the higher court, but to no purpose. For once law and justice refused to be baffled. Within five months from the arrest of the criminals sentence was executed.

When all hope had fled, the end of his existence drew near, there, in the lonely prison cell in the little jail at Jackson the murderer and robber, the man whose hands were red with the blood of many men, he, who refused to grant poor Nick Combs a few more moments to make peace with his God, but with incomprehensible cruelty quickened his end, this man, who shed blood for the pleasure of seeing it flow, this man, from whom all hopes of help from human agencies had fled, now cowers, trembles, shakes with terror as the gruesome structure of the gallows stares him in the face and he turns to God, whom he had cursed so often, for pardon, seeks to relieve his burdened soul by a confession of his many crimes. It was at first thought, that he murdered Dr. Rader for pay. In September 1887 John Hurst of Jackson County, Ky., shot and killed Alfred Rader, a prominent farmer, and brother of Dr. Rader. Hurst was promptly convicted and sentenced to a long term in the penitentiary. He served hardly four years of the deserved sentence, when he was pardoned. He

located at Lexington, Ky., and opened a store. Exasperated at the early pardon of Hurst, Dr. Rader went to Lexington, entered the store and without a word fired five shots into the body of Hurst. None of the shots proved fatal. Rader was tried and sentenced to the penitentiary for a term of two years. After serving about half of that time he was pardoned and returned to his home at Jackson where he resided until his death. When Hurst learned of Rader's death, he exhibited great delight and made remarks, which for a time gave room to the belief, that Hurst paid for the assassination. Smith stoutly denied this, and maintained, that he committed the murder while in a drunken stupor; that the Quinn woman aroused him from his sleep and informed him that Rader intended him harm and that he killed him, hardly realizing what he did. To this version of the affair he adhered to the last.

June 28th, 1895 was set for the day of execution, and the last days of the criminal were spent in alternately declaring his readiness to die and begging for more time, more time. He must have said with the poet:

'But must I die here--in my own trap caught?

'Die, die? and then--O mercy, grant me but time--

'Thou who canst save, grant me a little time, and

I'll redeem the past--

'Undo the evil that I have done, grant me but time.

'Nor man, nor God will hear my shrieks. All's  
lost.'

Death, grim death is near his door, waiting, waiting for him. Neither confessions nor prayers brought



peace. His soul heaved like the sea lashed by the storm. Even on the morning of the execution he begged for a few hours respite.

Early in the morning the condemned man was conducted, closely guarded, to the river and baptized. Until the very last moment Smith hoped, and expected some miracle to save him. It was rumored, that French, his chief in the French-Eversole war would yet come to his rescue. The rumor was wholly unfounded, nevertheless it produced some excitement among the people who had come to see the last moments of the notorious criminal.

Early in the morning the place around the draped structure of the gallows was thronged. On every inch of ground, in every window, upon the roofs of near-by houses, in every direction were crowded and huddled together, the spectators of the day's tragedy. What a motley throng; some in homespun, in the rough garb of the mountaineer, some in broadcloth, men and women and even children; some with pale faces and bloodshot eyes; some with serene countenance, others laughing, and bantering as if at a fair.

When Smith ascended the scaffold, a deep hush fell over the throng. He faced the sea of upturned faces beneath him with firmness. He addressed the multitude in a clear, strong voice, making a brief speech, confessing again many of his crimes and warning young men from pursuing a course which must lead to certain destruction. After prayer the black cap was adjusted. Just before it was pulled over his eyes, he cast a long, lingering look upon

the people, and then far away, to the blue hills in the distance. For the last time he gazed upon nature's beauties and grandeur. Never before had he appreciated the greatness of God's creation until now, when it was to be forever shut from view. For just a brief space of time not a sound was heard, then with a shriek, that could be heard across the valley, he cried three times to God for mercy. It was a shriek of unutterable agony and despair. The black cap was quickly drawn, in another moment the trap was sprung, the body shot through the floor and out of sight. For some time the vast multitude stood silent and motionless. The sunlight played unconfined upon the scene. The birds in the trees twittered merrily and unceasingly as though in protest against the presence of ghastly death. It seemed almost difficult to believe, that the dangling form under the gallows was the man, who had been a scourge to the country for years, wrecked and desolated happy homes, the man whose mere name caused peaceable citizens to tremble, but it was he--justice had been slow but sure.

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It is difficult to tell of the many crimes Smith committed. He drank a great deal and in a condition of intoxication boasted of crimes he actually never committed. His first offense for which he was indicted was carrying concealed a deadly weapon. He was indicted for stealing a horse from Ira Davidson, but was acquitted. Next he was



charged with house burning, with the murder of Shade Combs, Joe Eversole, Nick Combs, J. McKnight and Robin Cornett, but was never tried on any of these charges. He was at one time convicted of the murder of Joseph Hurt, received a life sentence, appealed the case, was granted a new trial but this case was forgotten; he was never tried again until the murder of Dr. Rader, which cut off his criminal career.

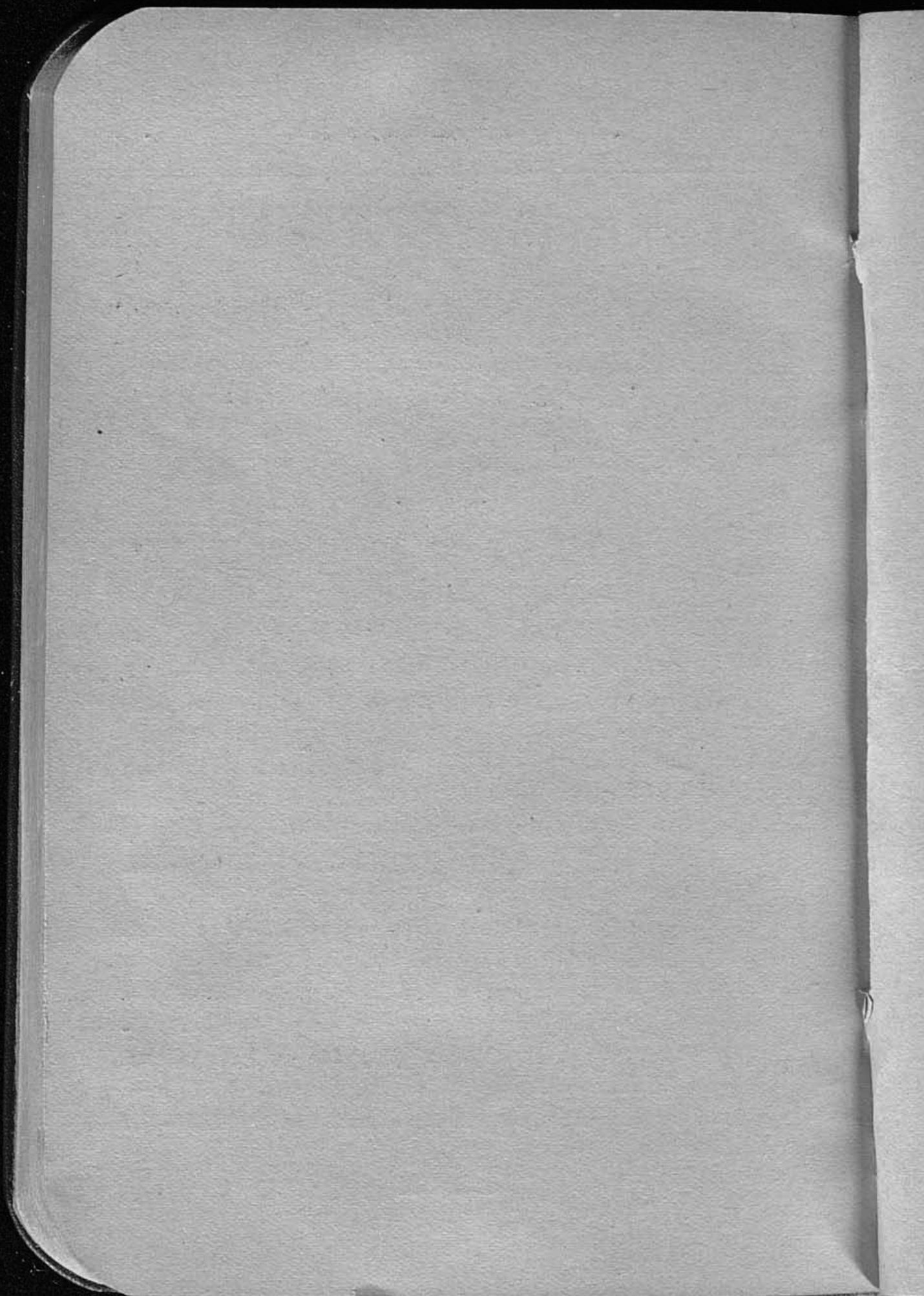
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It is not strange, that feuds are of such frequent occurrence in Kentucky, when we notice, that but few feudists are ever punished. French resides at Winchester, Ky., engaged in business and highly respected. Some of the Eversoles reside at Hazard, Ky., others at Booneville, London, and other Kentucky towns, engaged in honorable professions.

It is an incident worthy of note, that two of Joe Eversole's brothers, Clark and Harry Eversole kept themselves free from any entanglement in the feud. Harry Eversole is now Circuit Court Judge of the 27th Jud. District of Kentucky, while his brother Clark is a successful merchant of Hyden, Ky.

We shall now close this narrative of a feud which for a time became famous, desolated and blasted the hopes of homes, injured the fair name of good families and disgraced the state. The fury of the storm is broken. Let us hope, that the peace, which now reigns, remain unbroken, and the wounded hearts be healed.

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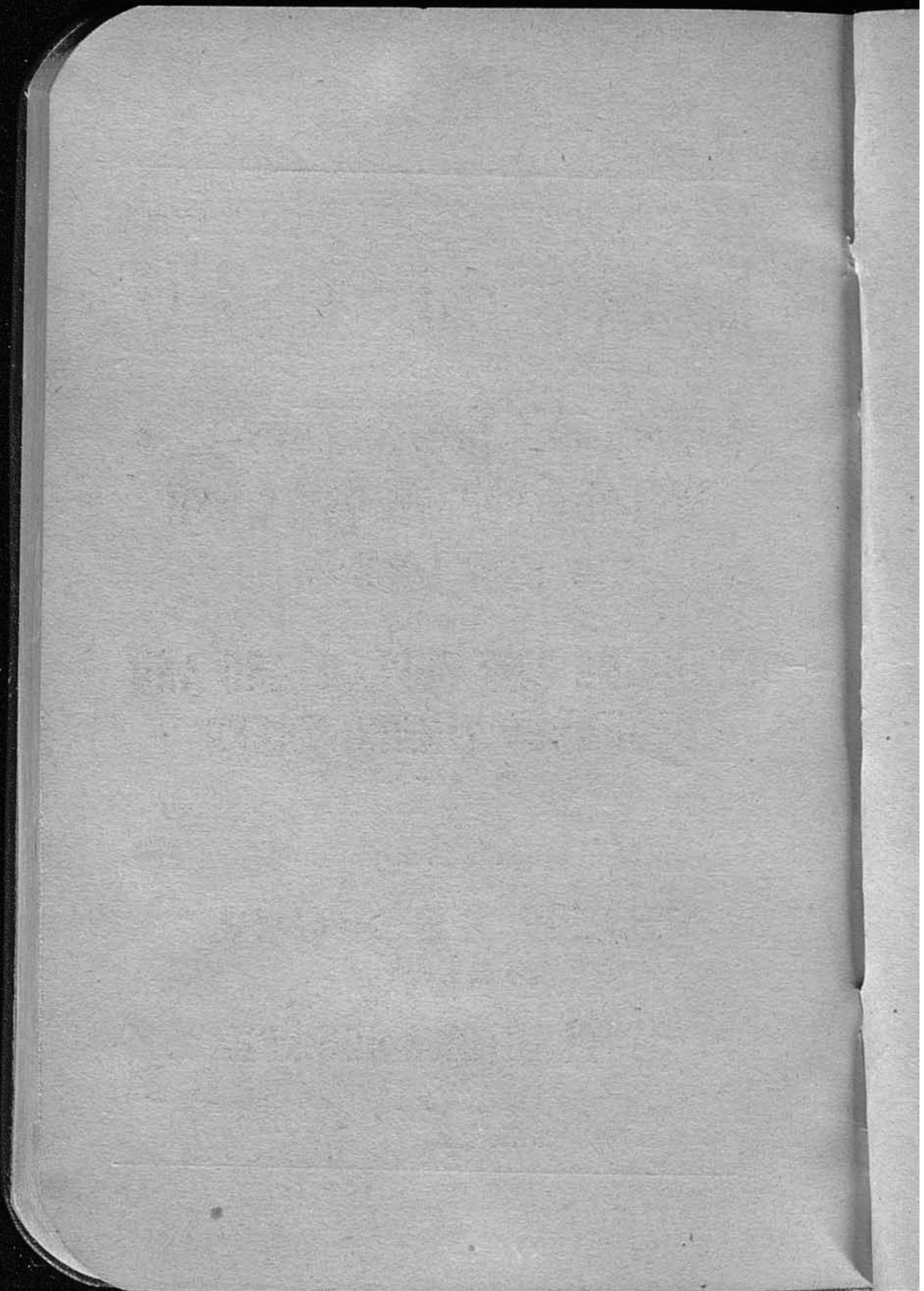
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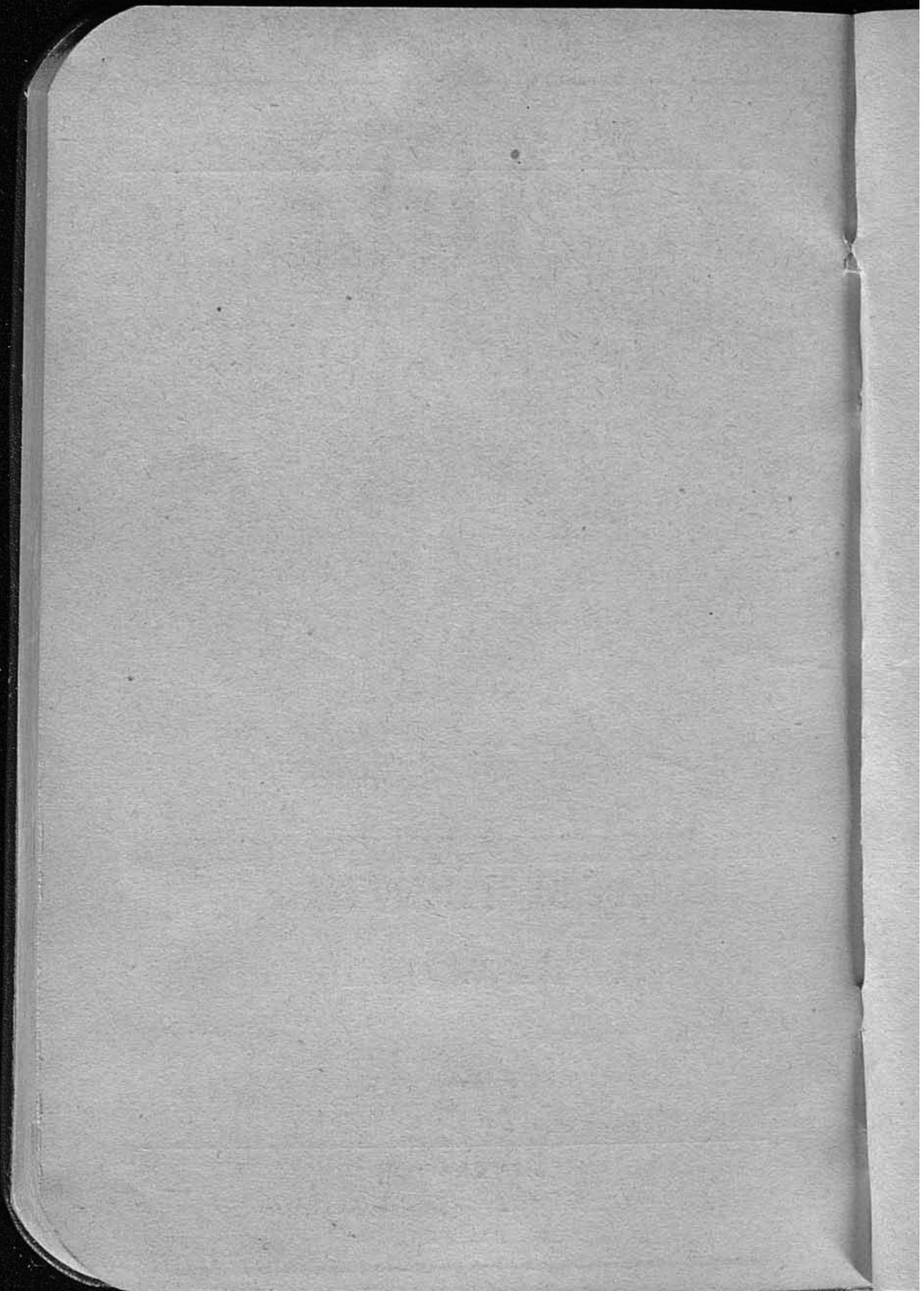
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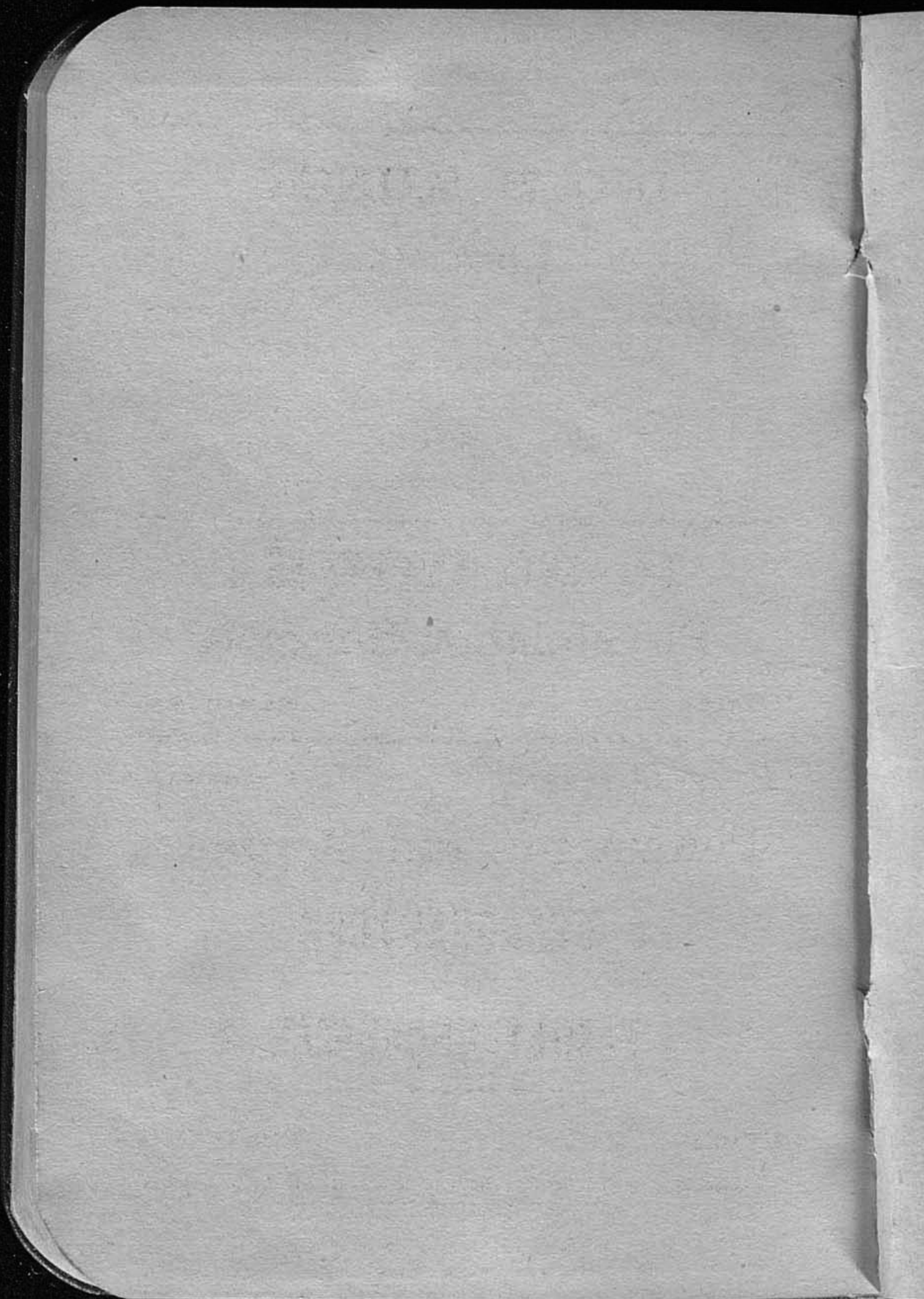
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