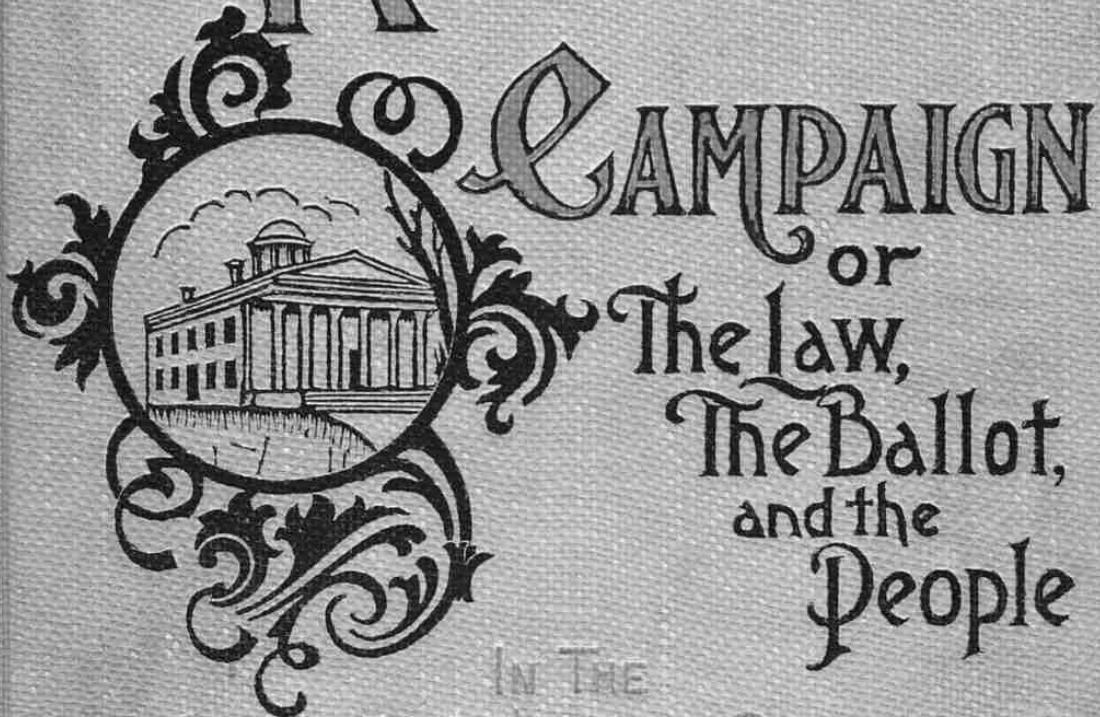


That
KENTUCKY



CAMPAIGN

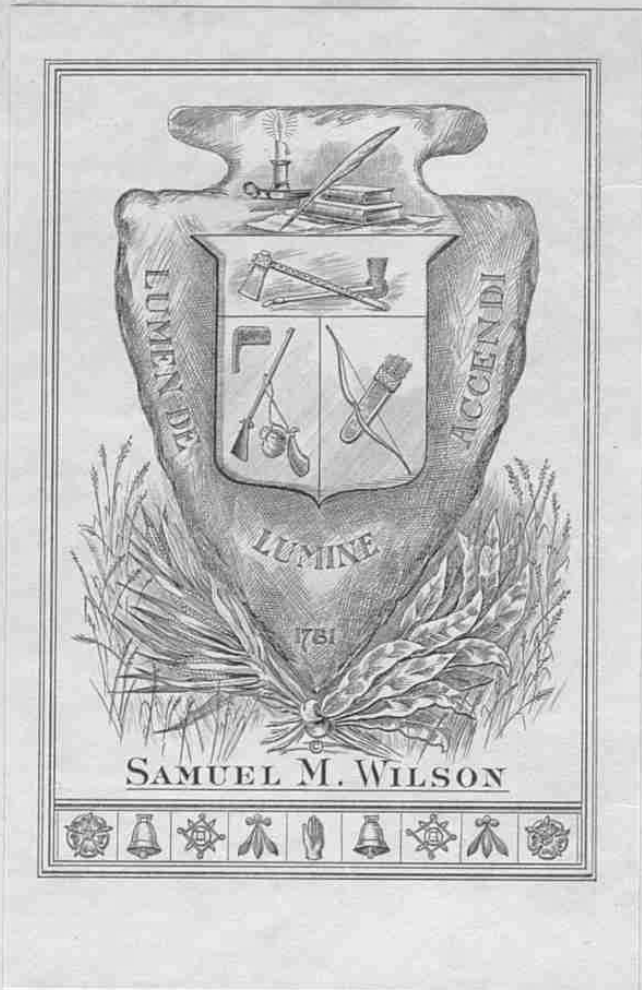
or
The Law,
The Ballot,
and the
People

IN THE
Goebel-Taylor Contest

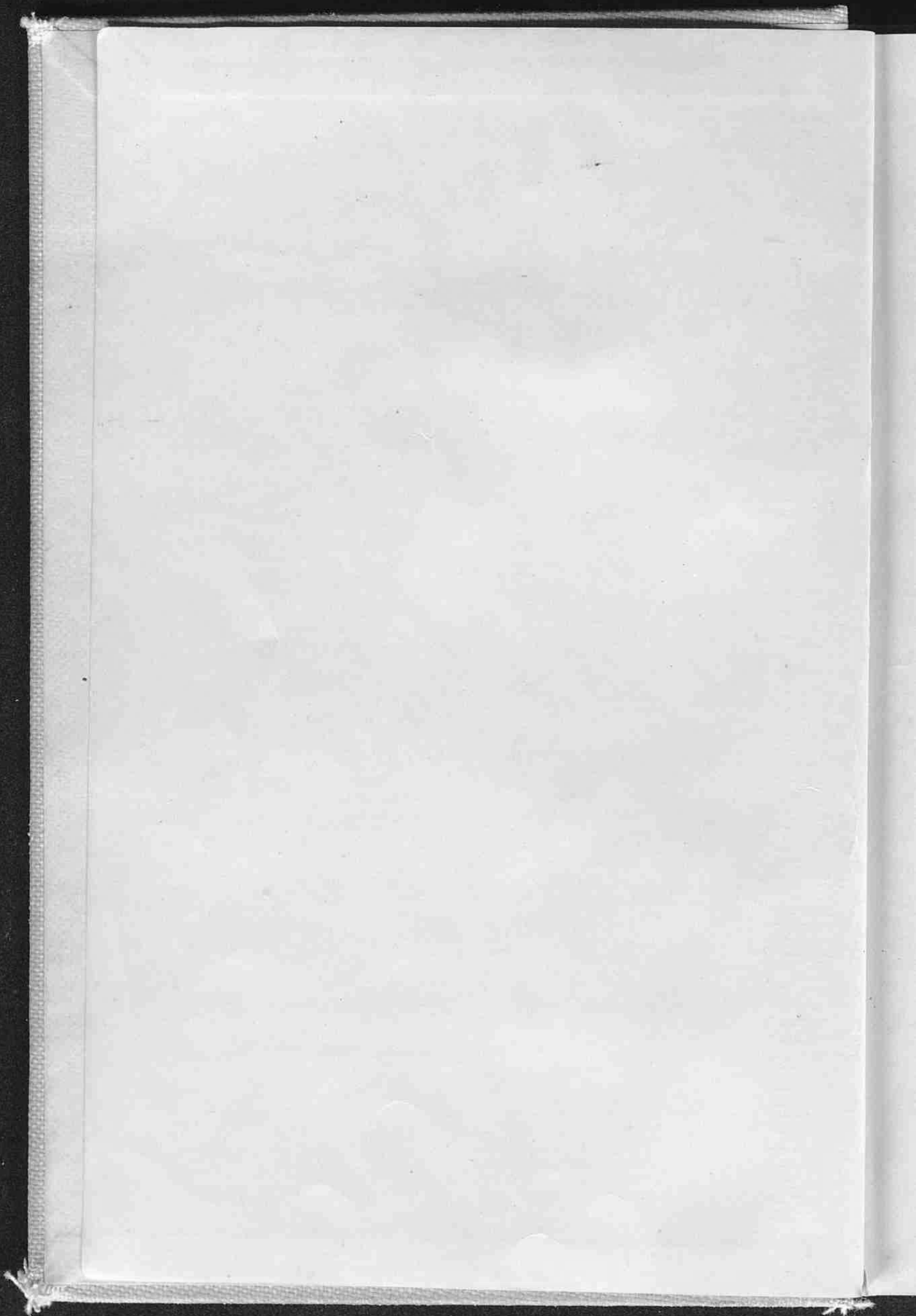
Illustrated

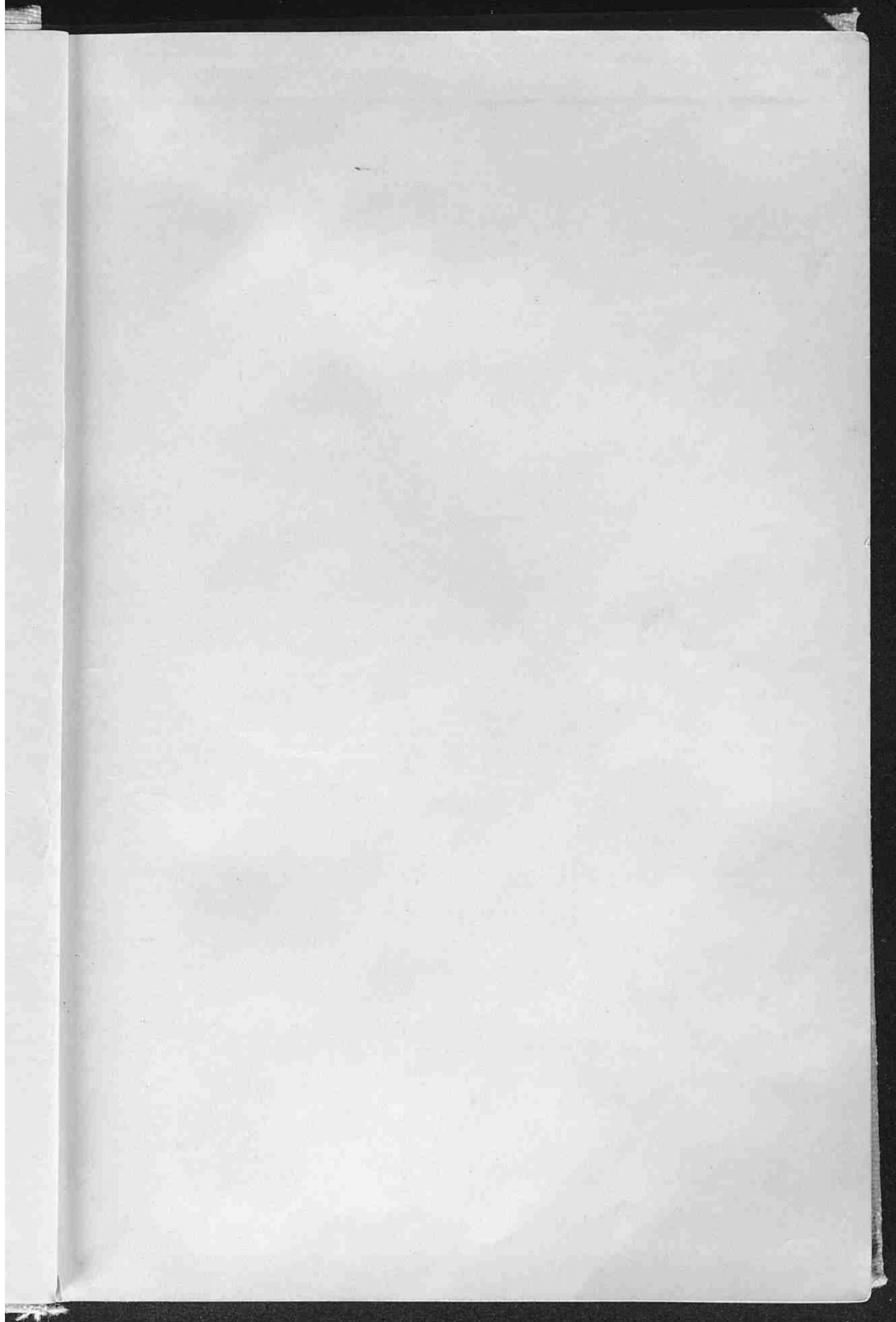


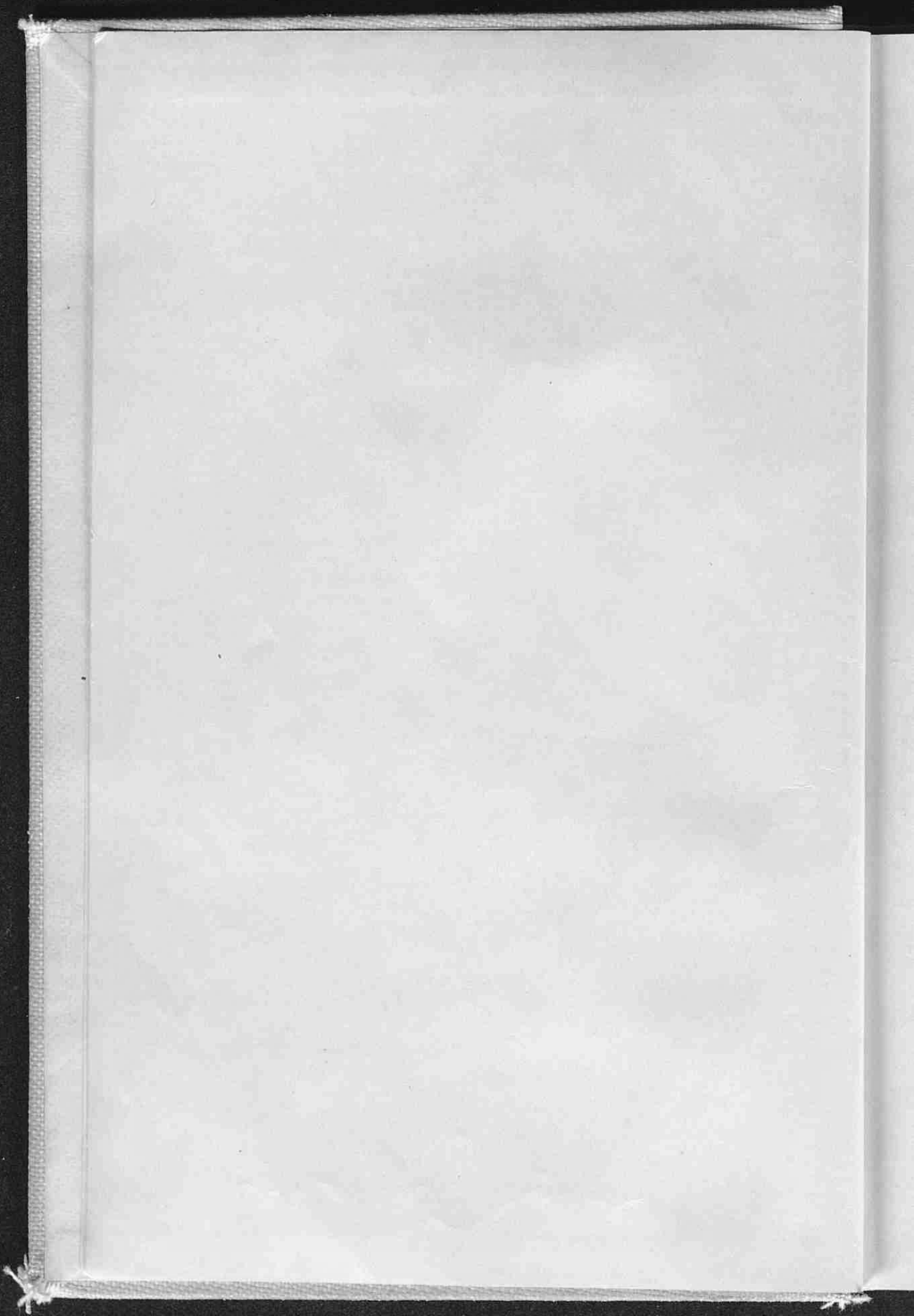
0.95

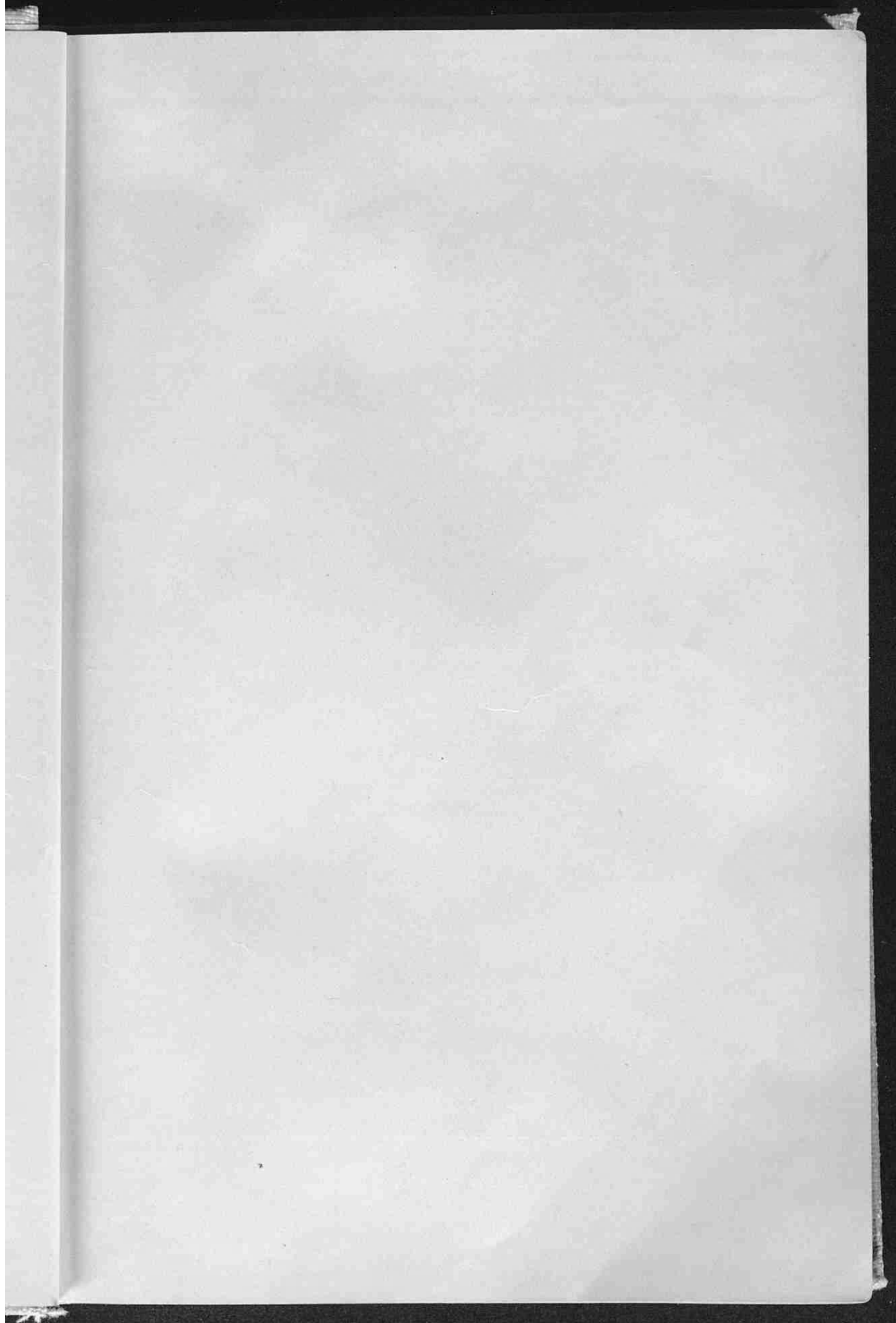


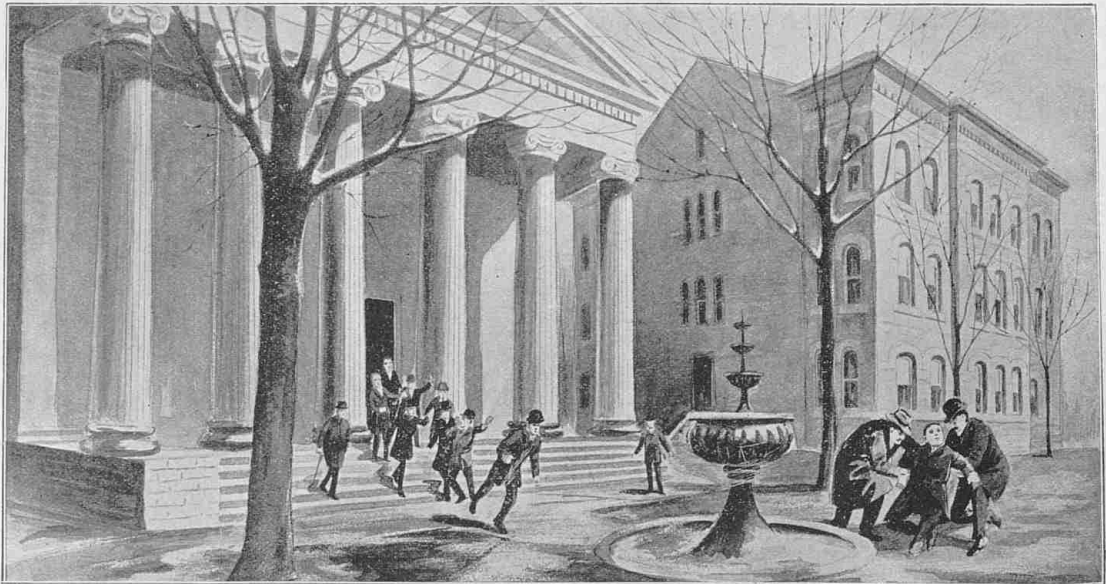
0.95











SCENE OF THE GOEBEL SHOOTING.

Adapted from the Cincinnati Enquirer.

THAT KENTUCKY CAMPAIGN;
or the Law, the Ballot and the People in
the Goebel-Taylor Contest. ❀ ❀ ❀ ❀ ❀
By R. E. Hughes, F. W. Schaefer and
E. L. Williams, Louisville, Kentucky. ❀

ILLUSTRATED

THE ROBERT CLARKE COMPANY
PUBLISHERS, CINCINNATI, O., 1900

COPYRIGHT, 1900,
BY HUGHES, SCHAEFER & WILLIAMS.

CONTENTS.

| | |
|---|-----|
| CHAPTER I. | |
| How That Campaign Began..... | 1 |
| CHAPTER II. | |
| Events Before the Campaign of 1899..... | 9 |
| CHAPTER III. | |
| That Louisville Convention..... | 16 |
| CHAPTER IV. | |
| The Nominee Repudiated..... | 43 |
| CHAPTER V. | |
| The Republicans Nominate..... | 50 |
| CHAPTER VI. | |
| Goebel's Attempts to Pacify Democrats..... | 56 |
| CHAPTER VII. | |
| Goebel Opens His Campaign..... | 63 |
| CHAPTER VIII. | |
| Brown Nominated..... | 67 |
| CHAPTER IX. | |
| Republican Campaign Opens..... | 72 |
| CHAPTER X. | |
| "I Ask No Quarter and I Fear No Foe."..... | 57 |
| CHAPTER XI. | |
| Manifestations by the Election Machinery..... | 83 |
| CHAPTER XII. | |
| Bryan in Kentucky..... | 89 |
| CHAPTER XIII. | |
| Campaign Developments..... | 98 |
| CHAPTER XIV. | |
| A Stirring Finish..... | 111 |
| CHAPTER XV. | |
| Election Day..... | 120 |

| | | |
|---------------------------------------|-----------------|-----|
| | CHAPTER XVI. | |
| What of the Election?..... | | 124 |
| | CHAPTER XVII. | |
| The Louisville Case..... | | 135 |
| | CHAPTER XVIII. | |
| Up to the State Board..... | | 139 |
| | CHAPTER XIX. | |
| Taylor Declared Elected..... | | 142 |
| | CHAPTER XX. | |
| Taylor Inaugurated..... | | 149 |
| | CHAPTER XXI. | |
| The Harrel Sensation..... | | 158 |
| | CHAPTER XXII. | |
| Goebel's Notice of Contest Filed..... | | 167 |
| | CHAPTER XXIII. | |
| A Cry of Fraud..... | | 171 |
| | CHAPTER XXIV. | |
| Goebel's Iron Hand..... | | 176 |
| | CHAPTER XXV. | |
| Bryan on the Contests..... | | 183 |
| | CHAPTER XXVI. | |
| Mountaineers Invade the Capital..... | | 192 |
| | CHAPTER XXVII. | |
| Senator Goebel Shot..... | | 201 |
| | CHAPTER XXVIII. | |
| Governor Goebel..... | | 214 |
| | CHAPTER XXIX. | |
| Parley Between Rivals..... | | 230 |
| | CHAPTER XXX. | |
| Contest Again Decided..... | | 235 |
| | CHAPTER XXXI. | |
| Death of Gov. Goebel..... | | 241 |
| | CHAPTER XXXII. | |
| The Peace Agreement..... | | 259 |
| | CHAPTER XXXIII. | |
| Gov. Goebel's Funeral..... | | 268 |

Contents.

vii

| | |
|---|-----|
| CHAPTER XXXIV. | |
| To the Federal Court..... | 276 |
| CHAPTER XXXV. | |
| Suits in State Courts..... | 284 |
| CHAPTER XXXVI. | |
| No Repeal of Goebel Election Law | 289 |
| CHAPTER XXXVII. | |
| Republican State Officers Unseated..... | 294 |
| CHAPTER XXXVIII. | |
| Search for the Assassin..... | 297 |
| CHAPTER XXXIX. | |
| The Arrests..... | 311 |
| CHAPTER XL. | |
| Court of Appeals Against Taylor..... | 317 |
| CHAPTER XLI. | |
| Indictments Against Many..... | 318 |
| CHAPTER XLII. | |
| Arguments Before the Supreme Court..... | 324 |
| CHAPTER XLIII. | |
| The Culton Examination..... | 329 |
| CHAPTER XLIV. | |
| "A Holy War."..... | 339 |
| CHAPTER XLV. | |
| Taylor Loses in the Supreme Court..... | 341 |

HALF-TONE ILLUSTRATIONS.

| | |
|--|--------------|
| Scene of the Goebel Shooting..... | Frontispiece |
| Governor William Goebel..... | x |
| Governor W. S. Taylor..... | xiii |
| Governor J. C. W. Beckham..... | xvi |
| Lieutenant-Governor John Marshall..... | xvi |
| Ex-Governor John Young Brown..... | 17 |
| Captain W. J. Stone..... | 17 |
| General P. Wat Hardin..... | 17 |
| Republican Leaders at London..... | 51 |
| The State House..... | 151 |
| Judge W. S. Pryor and Captain W. T. Ellis, ex-Members of the State Election Commission..... | 155 |
| State Board of Election Commissioners..... | 155 |
| Legislators..... | 161, 177 |
| United States Senator W. J. Deboe..... | 165 |
| United States Senator-elect J. C. S. Blackburn..... | 165 |
| Ex-Governor W. O. Bradley..... | 165 |
| Goebel's Last Instructions..... | 203 |
| Soldiers Patrolling the Streets..... | 229 |
| Soldiers in the State House Grounds..... | 229 |
| Soldiers Ready to Disperse Democratic Legislators, Who Were Planning a Meeting in the Capital Hotel..... | 229 |
| Capitol Gate, February 1st, 5 P. M.; Speaker Trimble, Accompanied by Democratic Legislators, Demanding Admittance "In the Name of the Kentucky Legislature"..... | 229 |
| Militiamen in Charge of Capitol Square..... | 245 |
| Gatling Gun Squad in Front of the Executive Building..... | 255 |
| Court House, Louisville..... | 261 |
| Laurel County Seminary Building, at London, where the Republican Legislators Conducted Their Meetings..... | 261 |
| Historic Capital Hotel, Frankfort..... | 261 |
| State Arsenal, Frankfort..... | 261 |
| The Goebel Funeral Train and Funeral Scenes..... | 271 |
| Cemetery Chapel, Where Governor Goebel's Remains Were Deposited Temporarily..... | 271 |
| Colonel Jack Chinn..... | 281 |
| Speaker of the House South Trimble..... | 281 |
| Circuit Judge J. E. Cantrill..... | 281 |
| Eph T. Lillard, Warden of the Frankfort Penitentiary..... | 281 |
| Lillard H. Carter, President Pro Tem. of the Democratic Senate..... | 281 |
| County Judge Dan Moore, Franklin County..... | 313 |

| | |
|---|-----|
| W. H. Culton, Charged with Accessory Before the Fact in the Murder of William Goebel..... | 313 |
| Henry E. Youtsey, Charged with Accessory Before the Fact in the Murder of William Goebel..... | 313 |
| F. W. Golden, Star Witness for the Prosecution in the Examining Trial of Caleb Powers..... | 313 |
| Caleb Powers, Charged with Accessory Before the Fact in the Murder of William Goebel..... | 313 |
| Group of Judges of Court of Appeals..... | 319 |
| Editor Henry Watterson..... | 338 |
| Editor W. C. P. Breckinridge..... | 338 |
| Editor Sam. J. Roberts..... | 338 |
| Editor R. W. Knott..... | 338 |
| Editor Urey Woodson..... | 338 |

TOGETHER WITH SEVENTY-FIVE CARTOONS, CHIEFLY FROM
THE FOLLOWING PAPERS:

| | |
|--------------------------------|-------------------------------------|
| Chicago Chronicle (Lederer). | Minneapolis Tribune (Bart). |
| Chicago News. | New York Journal (Davenport). |
| Chicago Record (Schmedtgen). | New York World (Bush). |
| Chicago Tribune. | Pittsburg Chronicle-Telegraph. |
| Louisville Dispatch (Nievack). | Pittsburg Dispatch (Martin). |
| Louisville Times (Cawein). | St. Louis Globe-Democrat (Hedrick). |
| Indianapolis News (Powers). | Washington Post (Berryman). |
| Indianapolis Press. | |



Gov. William Goebel.

TINSLEY ENG. CO. LOUIS.

INTRODUCTION.

Picturesque as politics in Kentucky has always been, in the 1899 campaign for governor was concentrated a kaleidoscopic variety of features against a background of strenuous political conflict that threatened on many occasions to ignite into the flame of revolution.

Courageous men were those who led the contending forces. Strong principles were those that were involved. Mighty convulsions were those provoked in the commonwealth that boasts of so large a per cent. of Anglo-Saxon blood in the veins of its white inhabitants. A convulsion dating from the innocuous springtime of 1899 had not spent its force nearly a year later, when this recital went to press.

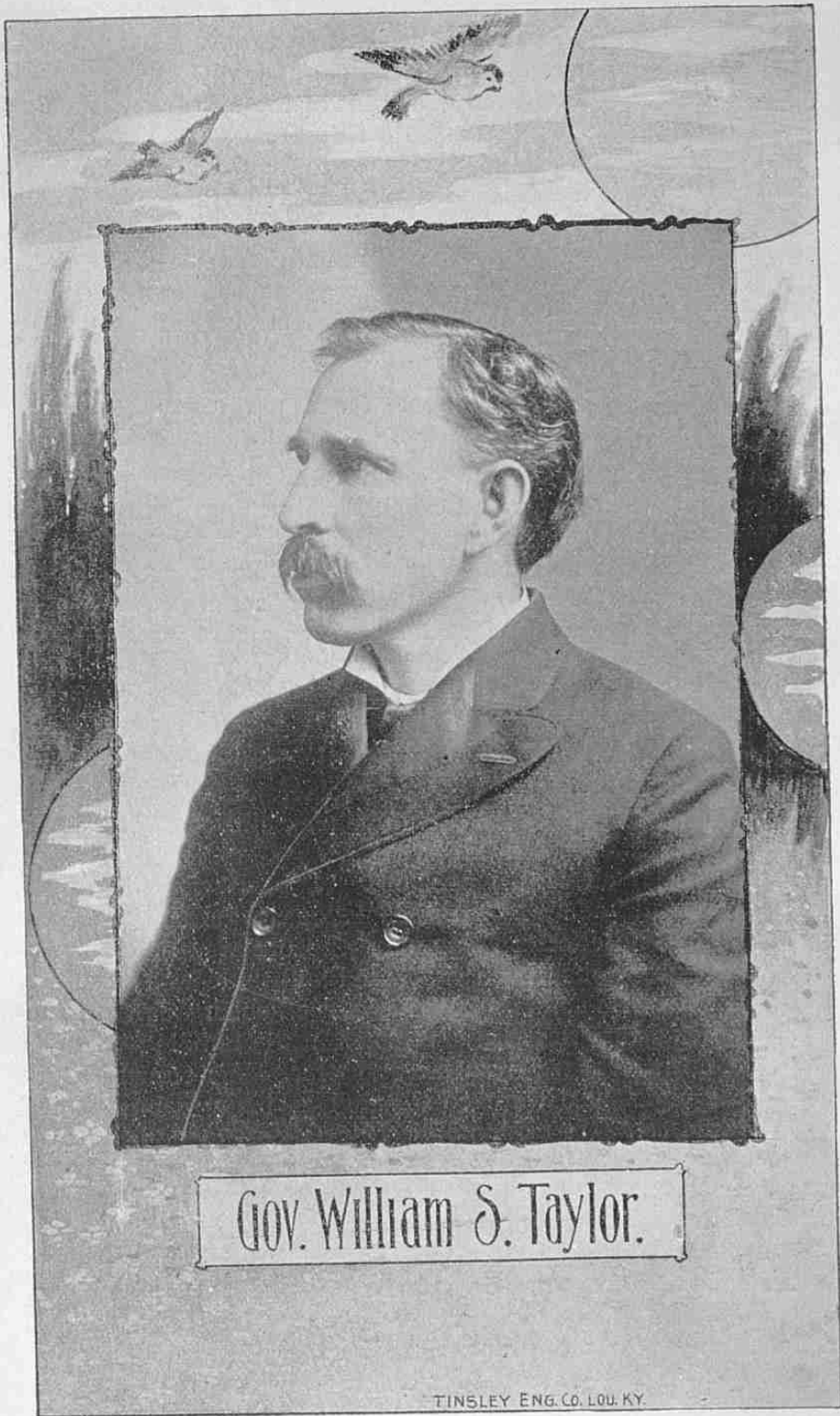
Pitted in that Kentucky campaign was the American's pride, party ties, against his glory, freedom of franchise.

Three iron men led in the battle—Wm. Goebel, W. S. Taylor and John Young Brown. Not one of them faltered at any stage of the prosecution of his aim. Doubtless the most remarkable of these was Goebel. "I ask no quarter, and I fear no foe." were his ready words. From an humble beginning he built his own way up to the eminence of partnership with Kentucky's legal giant, John G. Carlisle. Sent once to the state senate, he remained there for twelve years, until his death. A deep politician, he was not one of sugared wiles so much as one of will and force. Still a young man—little over forty—he had spent nearly his lifetime in politics without attracting great attention as an orator or by displays of great brilliance. He had laid up a store of steady success, however, and a host of enemies, and at the same time an income of possibly \$25,000 per year. While prominent politicians rose and declined, Wm. Goebel never receded an inch, and the more astute ones who came in contact with him felt the quiver of reserve force in the man that awed them and brought them to respect his simplest desire. How long Wm. Goebel had been waiting and planning for the hair-breadth opportunities he seized successfully in the 1899 campaign may never be known, but that he had forecast in his own mind every move months and weeks in advance seemed probable. There was a necromancy about the success of the man that none could explain. Cold, outwardly at least, he was not one

to attract one by cordiality. He was exacting and somewhat imperious. He listened while others advised and then told them what to do. Not more than a half dozen men in Kentucky claimed confidently to be intimate with him, and even they conflicted somewhat in their estimate of the man. Persons who sought to make one believe that Goebel was something unearthly found ready believers. He sprang into most prominence as the sponsor and supposedly the author of an election law that put into his hands the control of every chance involved in the Kentucky electoral system, and had it adopted. It took the state nearly two years to wake up, and when it did, there was Goebel as nominee for governor and ready to brave the most terrible political storm that ever broke over Kentucky. He fought and ran a race with all the zeal that could have been expected of a candidate by acclamation, and when thrown into his face was the charge of guilt of the election law, he told his fellow believers in national political issues that party regularity bound them to support him, and his claim was indorsed by no less than the highest party authority. This boldness was characteristic of Goebel, and maintained as it was, sustained him more, possibly, than anything else with a people that admires courage. Goebel was fighting ferociously from the minute that he openly entered the race until the time he was cut down by an unknown marksman's bullet, and a revulsion of public feeling made amends somewhat for the quarter that in life had not been asked by him, nor given.

W. S. Taylor also was of a lowly origin. From a log hut in southwestern Kentucky, many miles from a railroad even now, he won his own way through the country school house into the schoolmaster's chair, into the county court room, into the attorney general's office. He was plodding, industrious and fixed in purpose. With these things he made up what he lacked in polish and renown. He had been elected attorney general much by accident, securing the nomination fought for as a bit of glory for a young and unknown man rather than with good prospect of election. He secured the nomination for governor because he was willing to work for success in the face of almost certain annihilation. He took up the cry for a repeal of the election law. He told the people that it was the principle, not the man involved; the rights of the people, not the rights of any party that were in question. He evidently told them this sincerely.

John Young Brown was for forty years as strict a party man as ever lived in Kentucky, the home of the "rank partisan." He was congressman several times, then governor. He was a re-



Gov. William S. Taylor.

TINSLEY ENG. CO. LOU. KY.

ceptive candidate for nomination in 1899, and was considered attached to the Goebel fortunes. In a few days after Goebel's nomination he declared himself not bound by it, and opposed to it. He became the head and front of the movement that had already begun, to break party ties of decades and maintain a hopeless cause that first of all seemed to involve a death blow to personal ambition. This man, aged in years and gray in the party service, turned his face from the supreme authority of his affiliation to agitate a principle that had been made the battle cry of the opposition to his party. He presided over those who announced that they would sacrifice themselves and the party to principle.

After the election, and when Taylor was declared elected in spite of every art and artifice of a wonderful brain employed against him, a new campaign was begun by the tireless Goebel. It involved an appeal to the legislature. On party lines, it was favorable. On the lines that called for crowning Goebel instead of Taylor, it was extremely doubtful. Again the remarkable ability of this man became displayed, and by the magic of the word "party" he brought daily the ruin closer to Taylor.

Near the hour for the climax there was a shot and it pierced William Goebel through and through with a bullet unerring in its course. The majority in the legislature, already wavering, was decided by this foul act and on his deathbed delivered to the leader the coveted title under the difficulties that arose from an alleged ban upon the act. The chief justice of the state was called in, and delivered the oath. A claim of authority was set up. The culmination had arrived.

Upon Taylor all of this was lost. "I was elected," he said, "and you had to admit it." Proclamations, injunctions, threats, pleas, all had no effect on this man who declared that the verdict of the people had been expressed and there was no power to revoke it. His soldiers held his castle, which was the state-house. Belief that the assassin lurked in the building with him brought down censure from far and near. His efforts to disperse the legislature were condemned as being arbitrary and for self interest. He made political mistakes, but none of them was to yield one iota of the success that had marked his cause in the election. He ignored one court after another that spoke against him, even holding tenaciously to the form of authority and the state property after the court of appeals had decided against his title and pending a decision in the supreme court of the United States. Accused of complicity in the murder of Goebel, he even bore up under this blow, with his finger pointing to the plurality rendered for him in the election.

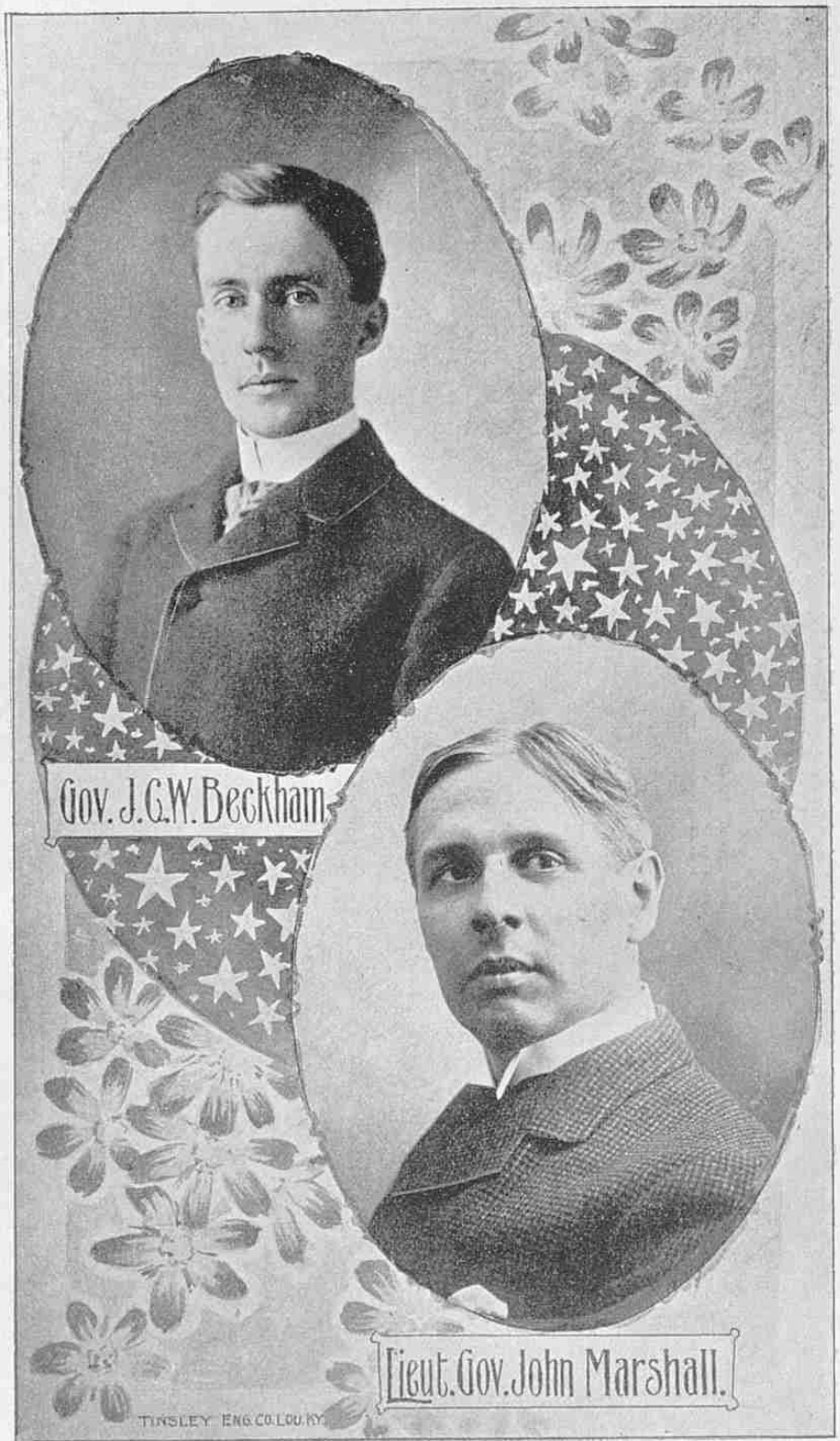
His little fortune spent in maintaining the show of authority

through the troublous times, sympathy went out to him and silent contributions were made to assist him in his fight in the courts and to support his family. What pleasure there may be in holding a public office, he was never allowed to enjoy for a single moment of his occupation. Hundreds of other men would have been crushed by the misfortunes endured by Taylor, but he steadfastly stood by what he considered his post of duty through the storm, saying only, "It's not for the office I do this; it is for the principle."

Two things remained to be determined when this writing was closed.

Who shot Goebel?

Will the Election Law be repealed?



Gov. J.C.W. Beckham

Lieut. Gov. John Marshall.

TINSLEY ENG. CO. LOU. KY.

THAT KENTUCKY CAMPAIGN;

OR

THE LAW, THE BALLOT AND THE PEOPLE

IN THE

GOEBEL-TAYLOR CONTEST.

CHAPTER I.

HOW THAT CAMPAIGN BEGAN.—A New Election Law Enacted. — Senator William Goebel's Force.— Through the Legislature.—“To Prevent the State from Being Stolen from Bryan.”—Protests of No Avail.—“No Majority Would Ever Submit Without Bloodshed.”—Gov. Bradley's Veto Overcome.—“All Elections Shall Be Free and Equal.”—Sketch of “King Goebel.”—Features of the New Electoral Measure.—Selection of the State Board of Election Commissioners.—Republicans Lose a Test of the Constitutionality of the Law.

“AN ACT to Further Regulate Elections.”

Such was the title of a bill laid upon the desk of the clerk of the Kentucky senate on February 1, 1898.

Forty days after that it was a law, whipped through both houses of the general assembly and adopted over the veto of the governor. The bill had been presented by the senator from Kenton, William Goebel, and was thereafter known by his name.

William Goebel had represented Kenton county for ten years in the state senate at the time with which this narrative opens. In the course of that period he had gradually but insistently developed into the dominating spirit and become the most forceful character in that body. He was speaker pro tem. and chairman of the democratic caucus. The senate was democratic by two to one. The house was strongly democratic. The senator was 40, beardless, reserved, bold, keen and ambitious.

When "AN ACT to Further Regulate Elections" was introduced, like any other bill, it was numbered by the clerk and became senate bill No. 145. It was referred to the committee on judiciary, was reported favorably in a careless manner and passed by a vote of 20 to 15, two populists and three democrats voting with the republicans against it. Mr. Goebel made a little speech, in which he said that the bill was very necessary—"it would prevent the republicans stealing the state from Bryan again." He said that had been done in 1896, when the eleventh congressional district had yielded an extremely large republican majority.

The house appeared strongly against senate bill No. 145. The man that was pushing it decided that his friends in the lower house did not realize that it was a party measure. What is termed the "party lash" was applied. He called a caucus, to which many demurred, holding that there was no precedent nor any authority for calling a caucus on a measure after it had passed one house. The chairman of the state committee sustained this view, but other members were enlisted for Senator Goebel and they upheld the caucus. Finally, by a caucus in which a bare majority of the democratic members was involved, the bill was given the form of indorsement as a party measure. Great friction arose over this incident, and charges of treachery to the party made against the anti-caucus democrats enlivened the subsequent proceedings. By dint of great generalship and pressure the bill was brought to a successful vote in the house, although a number of democratic representatives voted against it. It passed by a vote of 57 to 42. Amendments were attempted, but they were all brushed aside with the declaration "it is too late in the session to delay."

Gov. W. O. Bradley (rep) received the bill. It had to be reported before adjournment. He sent it back on March 10 with a stinging veto. He attacked it on the question of constitutionality, providing a very elaborate opinion and quoting a wealth of authorities.

Then he said: "But here is another even more serious objection to the bill, and that is that it is in direct conflict with the bill of rights, which is 'excepted out of the general powers of government, and is declared to forever remain inviolate.' In this sacred declaration is found the very essence of republican form of government, and its invasion is a desecration of the very altar of constitutional liberty. The sixth section declares: 'All elections shall be free and equal.' Appreciating the fact that the fair, intelligent, free and equal exercise of the ballot was the bulwark of freedom, which would suc-

cessfully resist every encroaching wave of despotism, the patriotic framers of the supreme law of the state solemnly, deliberately and wisely inserted this emphatic provision; and any legislative or executive act, any judicial decision which prevents or hampers the freedom or equality of elections is an usurpation. * * * If, with the machinery in the hands of so many local agencies, divided politically and being required to recognize equally two parties in the appointment of election officers, frauds cannot be prevented, how can it be expected that like occurrences may be prevented by concentrating and centralizing the entire election machinery of the state in the hands of three commissioners of one political party, without any restriction being placed upon them by way of bond and no criminal prosecution provided against them for any violation of law or misfeasance or malfeasance in office. * * * By this bill local self-government is denied the people, and all power centralized in the hands of a triumvirate that has more power than any court in the commonwealth. Clothed with both judicial and ministerial functions, having no legislative attributes, it nevertheless stands out in bold relief, the creature of the legislature, beyond the control of courts and juries, the supreme power of the state and the absolute master of the people."

* * *

The veto did not kill the bill. Neither did a scathing denunciation of its spirit and provision delivered by Senator C. J. Bronston (dem.), of Fayette, affect the result. On the day the veto was reported Mr. Bronston consumed the attention of the senate while he paid his respects to the measure. Speaking as a member of the party, he made a vehement appeal to his fellow democrats to reject the measure. He attacked the bill as undemocratic in principle. Besides, he flayed it in these words:

"If in 1896 no democrats could be found in the eleventh district of sufficient manhood and courage as inspectors and challengers to have the vote declared on the evening of the election, and take as provided by law a certificate of such result signed by the officers of election, and subsequently attend the counting by the canvassing board, how will it be possible under the proposed law to find democrats of sufficient courage to put into practical operation this machinery, by appointing officers of election, to the exclusion of republicans, removing them at will, canvassing the returns, certifying results and determining contests, in the face of men enraged by an open deprivation of constitutional rights; what Kentuckians, unless confronted by excessive numbers, would not fight to the death when they were flagrantly denied an equal and free election? What dem-

ocrat in the eleventh district could be found who unselfishly would expose himself to such fury? Such machinery could only be used by dominant courage or equal numbers. * * * No majority would ever submit without bloodshed to such despotism, and by the provisions of this bill you invite resort to force and greater frauds. Law-abiding and peace-loving citizens may have submitted to many frauds practiced by each party in elections, committed under pretense of fairness and equality by men occupying official positions, yet if you confront them with a machine, the avowed purpose of which is to carry the election for its favored candidate, how can you expect tame submission? Popular indignation would desert the party and resist the power of such triumvirate by acting and voting with political opponents."

† † †

Even before the bill had first passed the legislature there had been vigorous opposition, notably from the press. An editorial in the *Courier-Journal*, credited to Henry Watterson, said: "Senator Goebel is no worse than the rest; and except in this atrocious measure has shown himself something better. But, like Caesar that was ambitious, he wants to be governor of Kentucky, and he sees, or thinks he sees, a ready chariot thither in the electoral bill that bears his name. * * * Mr. Goebel is a young man. He is an aspiring man. He is an able and brave man. May we not, as a friend, and without prejudice or misconstruction, tell him that there is something better, higher, nobler even than the governorship of Kentucky, and that is the love, the respect, the homage of good men and women? Were it not wiser to wait until his time has come and to take his chance fairly among his rivals, than, armed like a bandit, to hold up the people and the state and after a brief, unhonored revel in office, to pass from the scene discredited forever? For nothing can be surer than that if this bill should become a law, it is only a question of time, and of a very short time, when all concerned in its passage will be running to cover from the wrath of an outraged people, and when those responsible for its being will have to pay the forfeit of their folly and crime in everlasting ignomy and disgrace. * * * The time is short, but everywhere throughout Kentucky there should be public meetings held to protest and to send delegations to Frankfort to protest, against this monstrous usurpation of power by a few unscrupulous and designing men. If this be not done, and done quickly and decisively, then are free elections and free government at an end in Kentucky, and the state given over into the keeping of a clique of self-appointed party managers, not to be recovered

by the people short of a political revolution. With the machinery of this Goebel bill in his hands, Mr. Goebel becomes as completely master of the situation in Kentucky as Diaz in Mexico, or Menelek in Abyssinia."

On March 11 the senate adopted the bill over the veto by a vote of 21 to 13, which was a better showing than on the original vote. The house passed the bill over the veto by a small margin, some democrats still voting against it. The measure became operative at once.

✦ ✦ ✦

It was in this way that the Goebel election law became introduced to the people of Kentucky—amidst a storm of protest and denunciation. After the success of the measure in the legislature Senator Goebel was playfully called "King Goebel."

Who was this man who had held the legislature of the state by the heel and shaken out of it a piece of legislation that, it was predicted, would burn a hole in the statute book?

Senator Goebel was a lawyer, graduating from the office of John G. Carlisle. His father was a native of Hanover, Germany, who came to this country and worked unassumingly at his trade of cabinetmaker. William was the oldest son and was born in Sullivan county, Penn. His parents removed to Covington, Ky., when he was a mere boy. William received a good education. He formed the acquaintance of Gov. John W. Stephenson, who was attracted to him and took him into his law office. In a few years Gov. Stephenson took him in as a partner.

John G. Carlisle then became impressed with Mr. Goebel's ability and took him as a partner in his law business. The young man entered politics and was sent to the state senate as a democrat, being re-elected as often as an election rolled round. He never held any public office besides this, except being a member of the constitutional convention. He was, however, a candidate for the court of appeals from his district, but did not attain the position. As stated, in the senate he soon became the leader of his party there. In 1896, from which time dates particularly his prominence in state politics, he became a member of the democratic state committee. The exciting senatorial election of 1896, when J. C. S. Blackburn failed of re-election, brought Mr. Goebel out prominently as a director of political affairs. In a fight extending over two sessions Mr. Blackburn was defeated, a republican being finally elected; but Mr. Goebel displayed astounding generalship throughout the contest. With Senator C. J. Bronston he managed the unseating of two republican state senators. So much excitement accompanied the

1896 sessions that Gov. Bradley called out the state guard at the capital.

* * *

The legislature of 1898 was democratic in both branches, and, as far as recognized party measures were concerned, the democrats were in the saddle, in spite of the republican governor and state officers. It was a good field for a strong leader.

While the Goebel bill was so unpopular as to threaten it with an early death in the general assembly, difficulties in the path were overcome by an adept manipulation of various measures. Three bills, one providing for the government of the penitentiaries by a commission to be chosen by the legislature; one providing for uniform school books throughout the state and to be contracted for by a commission, called the Chinn school book bill; and another, the McChord bill, providing for regulation of the railroads in the state by a commission, were the chief of these. The prison bill was the only one that became a law. The McChord bill was passed, but was killed by a veto.

The Goebel election law was an amendment affecting the then existing election law, mainly in the control of the machinery of elections. Countless ordinary provisions of the old law were not repealed by it, but the very key to the conduct of the elections was seized by the new measure. Under the old law there was a state returning board, consisting of a governor, secretary of state and attorney general, and a board of contest was formed by the addition of the auditor and treasurer. They had nothing to do but receive the returns and issue certificates of election to state and district officers. They had nothing to do with the appointment of local boards or of officers of election.

The new law placed these duties in the hands of a commission of three men, to be elected at once by the legislature. Besides performing the duties of a returning board and a board of contest, these men were given the power to appoint county boards of three men, empowered to appoint officers of elections at precincts and act as returning and contest boards.

As the law contained no provision for a sharing of these powers by different political parties, it seemed to contemplate a complete centralization of the election control in one party. The county boards, under the old law, were composed of the local judge, the county clerk and the sheriff, and were naturally of the political complexion prevailing in the locality. This made the political aspect of the election machinery vary all over the state. Some counties had a republican board, others had democratic boards and others had boards containing both republicans and democrats. The appointment of election officers was in the

hands of the respective county judges. The only provision for a division of control under the new law was that precinct officers be appointed equally between the two dominant parties, in which it followed the old law.

Taking the state as a whole, the republicans were somewhat in the ascendancy in the matter of election control, which was due to successes in the elections of 1895 and 1896.

The immediate effect of the new law was to revolutionize the election system. The legislature was democratic, and the result would naturally be a complete democratic system. The acts of the election commissioners not being subject to revision, and their official duties being confined to the conduct of the elections and not necessarily influenced by any other public obligation, it was asserted the commissioners were left perfectly free to act, subject only to an oath to faithfully discharge their duties according to the election law. It was feared that the new law would place the election machinery into irresponsible as well as merely partisan hands, and so charged. The officials under the old law were all sworn servants of the people, it was urged, and in authority by expression of the people. The new commissioners were apparently immune from penalties, had no limited powers and their acts, according to the Goebel law, final and conclusive.

When Senator Goebel's measure became a fact there was no end of displeasure expressed. But it was a law and could not be rid of so easily as enacted, even if it had been enacted over formidable difficulties.

* * *

When it came time to select members of the state board, and about this there was no time lost, it was conceded that their selection would be dictated by Senator Goebel. In fact, he had his men ready. The chief of these was Judge W. S. Pryor, formerly chief justice of the Kentucky court of appeals, which position he held for many years with honor and renown. He was one of the most prominent democrats in the state and was recognized as of distinguished ability. There was much pressure brought upon him by friends not to accept the offer on account of the prejudice against the new law, but finally he accepted the nomination with reluctance. Another of Mr. Goebel's selections was Capt. W. T. Ellis, of Owensboro, formerly congressman from the second district and known as one of the leading democrats of the state. The third was C. B. Poyntz, of Maysville, a merchant and a man of some means. He formerly held office as a railroad commissioner and as a state senator and was as pronounced a democrat as could be found.

When Goebel's slate went through in the democratic caucus he was hailed by his fellow legislators with cries of "Hail to King Goebel!" "Hurrah for William the Conqueror!"

Ardent supporters of the new law placed the three men in nomination. In one of the speeches was said, "We are proud of this bill and want to let the people know what sort of men are to take charge of it for us."

Another said, "Those who cast slurs on the election bill as a force bill will be robbed of their argument when they see the hands in which the operation of the law will be placed."

Representative J. C. W. Beckham, of Nelson county, who was speaker of the house, said it had been his idea throughout that the election law would insure better and fairer elections to the people of Kentucky.

There were several other names proposed in the caucus and the populists hinted for a selection, but the three selections preferred by Senator Goebel went through as if shot from a cannon, and the crowd cried, "Rah for William I!"

Messrs. Pryor, Ellis and Poyntz were elected by the legislature on the next day, as a matter of course. The personal aspect of the board was unassailable, although it was exclusively of members of one party.

However, the republicans conferred and took the most active steps to secure a decision against the election law in the court of appeals. They took up a test case questioning the constitutionality of the statute and met with an adverse decision, the law being declared constitutional.

CHAPTER II.

EVENTS BEFORE THE CAMPAIGN OF 1899.—Practical Operation of the Goebel Election Law in 1898.—The First Shock.—On Its Good Behavior.—Political Fluctuations in Kentucky.—Goebel, Stone and Hardin Announce for Governor.—Three-Cornered Fight for Nomination.—Goebel's Generalship Prominent.—Turbulent Preliminaries.—Goebel Enters Into a Combination With Stone to Control the Convention.

All eyes were open for the practical operation of the Goebel law, of which so much evil had been predicted. The state board was democratic and good for four years in spite of any republican landslide that might occur. What kind of boards would the state board appoint?

In time the republican organization received a request from the state board for nominations for county commissioners for the 1898 election. The republicans made nominations for each county. In each county the state board appointed two democrats and one republican. The republican organization murmured not nor rejoiced. The new law did not expressly give it any claims to representation. The presence of one republican on the board with two democrats, and two being a majority empowered to render any judgment, left the odd member practically no functions, except those of a mere inspector. The likelihood that he would have a determining voice in any question, especially in a close issue, was very remote.

However, the defenders of the election law declared that the persons who would manage the elections would be above suspicion of doing injury to any interest and incidentally would be a safeguard from harm to the democratic interests.

The first shock given by the Goebel election law after it was in operation was through the exposure of a letter from South Trimble, a member of the democratic organization, to a fellow democrat who had been appointed an election commissioner. It read in part:

"No better man could have been appointed, but it is an unenviable position, and one that you should not accept. Our county is all right—safely democratic, but city elections cannot be won with a fair count, and you know that as well as I do. Incompetent, unreliable republican judges will have to be appointed. The right of the republicans to indicate who shall represent

them as judges, etc., will have to be ignored, and the election commissioners will have to do this, or receive the ill will of the city democrats. I would not do it, for I could not conscientiously do so, and know that you would not; therefore, my advice to you is to refuse to act."

Naturally this was seized upon as the very first sight of the "cloven hoof" of the election law, and, as may be imagined, it was industriously employed as campaign material ever after by the republicans.

However, the 1898 congressional elections took place with little friction. In fact, the Goebel election law seemed upon its good behavior and the character of the men appointed as county commissioners was generally beyond criticism. It would receive its supreme test in the race for governor in 1899.

✦ ✦ ✦

For at least thirty years Kentucky had been in the democratic column, with majorities of 40,000 down to 10,000. Yet, in 1895 it went republican for the first time, electing, as by a revolution, a full republican state ticket, even making one branch of the legislature republican. John Young Brown was the incumbent democratic governor when the election took place. The campaign was won on local issues. W. O. Bradley, of Lancaster, was elected governor by a plurality of 8,912 over Gen. P. Wat Hardin. While national issues cut only a slight figure in the race, they were enough in evidence to make this race interesting from that aspect. The democrats of the state were then upon the ridge dividing the gold from the silver issue, and unfortunately Mr. Hardin was nominated at the critical time when the currency subject was a very ticklish one for Kentucky democrats. At the first opportunity at a joint debate with Gen. Hardin, Mr. Bradley forced him to take a position on the money question, and although Hardin had been nominated upon a platform that had been drawn by gold men, and was generally conceded to be a gold platform, Mr. Hardin came out for silver. For the remainder of the campaign he was handicapped by this declaration, being held up as a misfit for the platform, causing apathy among silver democrats and alienating gold democrats.

In 1896 came the national campaign, and the republicans carried the state again, this time by only 281. That was the difference between the vote for the highest McKinley elector and the highest Bryan elector, both running well ahead of their companions on the tickets. However, only twelve McKinley electors were elected, the highest Bryan man having a few more votes than the lowest man on the McKinley ticket. Palmer and Buckner, national democrats, polled 5,019 votes, even though Buck-

ner was a native of Kentucky and an ex-governor. The presidential campaign was a very exciting one and bitterly contested throughout. The returns from the eleventh and first districts, republican and democratic strongholds respectively, were very slow to come in. Each end of the state was accused of holding off with a view of sending in a return that would clinch the election for the one or the other ticket. The eleventh district, part of it being composed of very remote and inaccessible eastern counties, was heard from last, and sent in a total of returns that gave the state to McKinley. The republican majority for that district was 15,000.

It was freely charged by the silver democrats after the election that the republican and gold democratic managements conspired to send runners down into the district the day after the election to influence the return of this very large majority, and claimed that the "state had been stolen from Bryan." It was to this that Mr. Goebel referred in his brief attempt to justify his election law.

The eleventh congressional district of Kentucky embraces seventeen counties, every one of which is republican. It has been repeatedly gerrymandered by the democratic legislatures until it has been made into a "shoestring," one after another republican county adjoining having been added to it by democratic legislatures. The result of this has been to make the district the Gibraltar of the republican party in Kentucky. When congressional races are made in that district they are made by republicans against republicans. In 1898 the democratic candidate received little over 3,000 votes, while one republican received over 11,000 votes and another 15,000 or 16,000. Local legislative and senatorial districts are spread in the same section in this manner by democratic legislation. The district stretches from the Big Sandy river to the Tennessee line, and citizens of it are fond of saying that to travel from one end to the other of it by the public roads would require a journey of 300 miles.

The 1897 election was a state election. There was little in it to interest any one, only a clerk of the appellate court being elected. The democratic nominee, Sam J. Shackelford, won by the startling plurality of 18,000, indicating a great reversal. There was a gold democratic nominee, but he polled about the Palmer and Buckner vote.

In 1898, when Goebel declared an emergency existed and the Goebel law was adopted, the elections in the fall were for congress. The republicans lost much ground, sending only two congressmen, whereas in 1896 they had elected five out of the

eleven to which the state is entitled. Two contests by republicans grew out of this election, the candidates being beaten by very close pluralities in the fifth and eighth districts.

* * *

Senator Goebel's friends declared that the 1898 elections vindicated his election measure, and Mr. Goebel entered actively into the work of running things in 1899. He was early in the field for governor. He showed his hand first in attempting to control the state committee. He gave it a thinly veiled test in January, 1899, and found that it stood against him by 7 to 6. He labored unceasingly to secure control of this committee, from which he had resigned when he made his candidacy known, but never with success before the state convention took place.

In the meantime he was very active in minor conventions. He practically dictated the nomination in two of the railroad commissioner conventions, but failed of having his platform adopted, an indorsement of the election law and of the McChord railroad bill. In the meantime Gen. P. Wat Hardin and Capt. W. J. Stone, the latter an ex-congressman from the first district and formerly speaker of the Kentucky house of representatives, had come out. The democratic showing in 1897 and 1898 made 1899 look like a "sure thing."

Preliminary to the state convention, the three made a canvass, avoiding joint debates, however. This canvass was an interesting one, by reason of the apparently even strength of these three candidates. Gen. Hardin developed a strong free silver following on account of his sacrifice in 1895. Capt. Stone came from the rockribbed first district, and, besides, was a crippled confederate soldier. Mr. Goebel had to come in with something new and striking to attract attention. He did so. He did not bring out the Goebel law as his main issue, but came out strong against corporations, railroads and trusts. He also took pains to declare himself indelibly for free silver, Bryan and Blackburn, which, indeed, all of the candidates did. He made a very strong feature of his opposition to railroads, charging them with extortion and corruption, and made the Louisville & Nashville railroad his particular object of attack. For Kentucky, this proved to be something very novel and attractive, principally on account of the vigorous, although ungraceful style in which Mr. Goebel handled the subject. He was most outspoken and uncompromising. His speech was as far separated from the conventional campaign speech that had prevailed in Kentucky for the last forty years, as anything could be.

The candidates went after each other in the canvass in a

rather confusing three-cornered fight. They attacked each other mainly on the point of their respective loyalty to the Chicago platform. Each one thought he saw a streak of gold record in the other, and very amusing were some of the things brought out. Hardin wanted it believed that Stone had once voted for gold bonds in congress. Stone twitted Hardin with his compromise with the gold people on the 1895 platform. Goebel was attacked by both and asked to point out his silver record prior to the national convention in 1896. They intimated that he had entered the 1896 state convention as a gold man. Goebel threw out accusations of corporate influences behind Hardin. Mr. Goebel very diligently boasted of contributions to the Bryan campaign fund.

John Young Brown, an original silver man, had also been considered a candidate, but he early declared himself out. It was claimed that his strength went mostly to Mr. Goebel.

* * *

In the meantime Mr. Goebel was busy with local politicians in the larger cities of the state. Right here, in fact, lay the bulk of his strength. He neglected the country, where whole counties gave but from three to eleven delegates, and looked to the centers of population, with their great representation, each controlled by an astute and well organized local combination. It was to the managers of these that he made his overtures. He went after the delegations in the cities of Louisville, Lexington, Covington, Newport, Owensboro and Paducah. In some of these, of course, he made little progress, but he soon interested the democratic city and county administrations in Louisville, Lexington, Owensboro and, of course, in Covington, his home. However, in each of these places he met with opposition. Where he enlisted the ins, the outs combined against him. In the meantime he also looked around for a deal with one of the other candidates. It appears that he entered upon overtures with Captain Stone to combine the latter's country strength with his own city strength for the purpose of organizing the convention. A movement of this kind was doubtless pending for some time, but was hard to clinch on account of the difficulty in arranging how to divide the convention after it was secured.

On the plan of holding the local conventions to elect delegates to the state convention, Hardin, by reason of better standing with the state committee, won the style of election. It was by county and legislative district mass conventions. These were to be presided over by the county chairmen, who were

in most cases Hardin men. In a pinch, the advantage, as those who are in politics know, was therefore with Hardin. The conventions, which were held on June 16, were the most animated that Kentucky had seen in a long time. There was a clash in nearly every county between opposing delegations. If it was not between Goebel and Hardin, it was between Hardin and Stone. In some places there was a Goebel and Stone combination against Hardin. Some counties went for one man on first instructions and for another on second. The conventions were marked for disturbances.

✦ ✦ ✦

A sample hot contest was that in Louisville. Mr. Goebel had allied with him the city and county democratic administrations, who put into the field a strong organization. This was pitted against the party organization, which, strangely enough, was on the non-office holding side of the platter, the outcome of a local rupture. John Whallen managed the anti-Goebel forces. The office-holding democrats, however, went into the preliminary conventions tooth and toenail, utilizing the police and fire department membership lavishly to control the ward conventions preliminary to the county convention. There was a deadlock in nearly every ward. Large numbers of railroad employes scarcely balanced the strength exerted by the administration democrats. There was a contest in every ward. All the Hardin people were given credentials by the county committee, the Goebel people going to the state convention as contestees.

✦ ✦ ✦

A few days before the convention a summing up of the strength showed a very uncertain state of affairs. Hardin seemed to have most of the instructed strength, Stone second, and Goebel third. The contested membership was such a factor that it was very plain that there would be not even organization of the convention unless some one withdrew or there was a coalition of two of the candidates. Chances for a combination on the nomination were very improbable, as every candidate was genuinely after the nomination, and besides, truly good feeling existed between no two of them. Hardin claimed a bare majority of the 1,091 delegates. He said he was sure of nearly 600 votes. Capt. Stone claimed a strength of 350 to 400. Senator Goebel said he had 300 and over. Of course these estimates were very conflicting.

The ante-convention gossip dwelt upon who would combine.

A Goebel-Stone combination was indicated before the con-

vention was called to order at Music hall in Louisville on June 21. That William Goebel could secure the nomination, very few believed possible. The best he could expect, it seemed assured, would be a hand in the new party organization by a clever trading of strength with Stone.

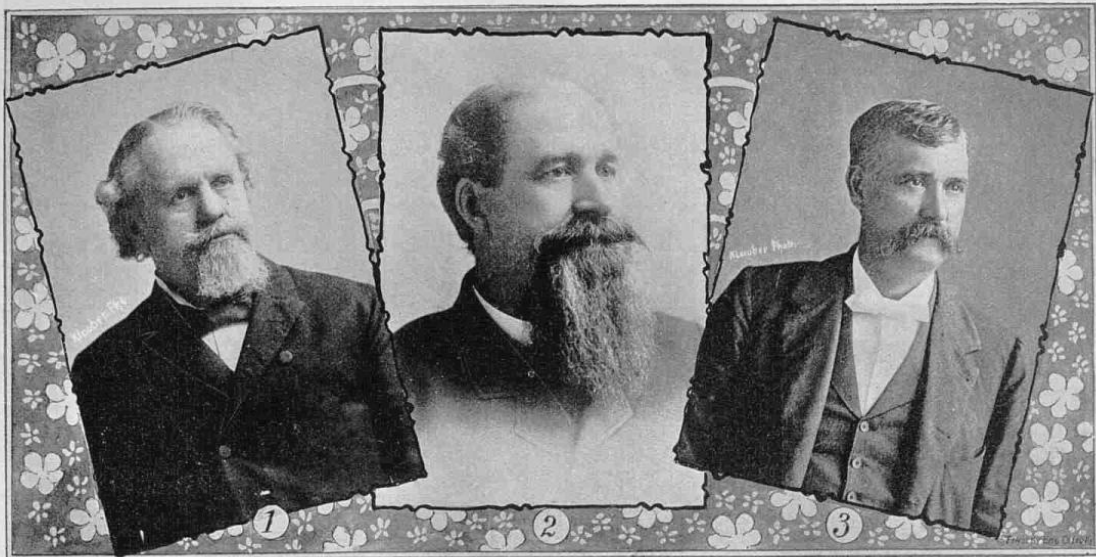


CHAPTER III.

THAT LOUISVILLE CONVENTION.—Will Hardin Be Beaten?—An Eight-Hour Ballot.—Chairman Johnston's Ordeal.—Dangerous Tension.—The Decision.—Redwine as a Chairman Out of Ten Thousand.—Hardin's Struggle Against the Combination.—Goebel Dominates Committee Work.—Stone Suspects Treachery.—A Bolt Discussed.—Roll Calls Demanded in Vain.—A Warm Meeting on the Outside.—Panics.—Goebel Cool.—The Agreement Repaired.—Excitement.—“Cutthroats and Assassins.”—Convention Held One Whole Day Without a Roll Call.—Plan to Unseat 159 Hardin Delegates.—Redwine's Rules.—Credentials' Report Adopted.—Hardin Withdraws.—His Appeal.—Nominations for Governor.—The First Ballot.—“Treachery.”—“Goebel Must Withdraw.”—“Wait.”—Stone and Hardin Confer.—Goebel's Boast.—Police.—“We Won't Stand It.”—Turmoil.—“On Jordan's Stormy Banks I Stand.”—A Ballot at Last.—What! A Nomination?—Not Yet.—The Finish Fight.—Hardin and Stone Move Sine Die Adjournment.—Redwine Ignores Motion.—Necromancy.—Stone Dropped With a “Dull Thud.”—Hardin Beaten.—Goebel Nominated.—“I Believe in Fighting.”—Blackburn.—Red Fire.—What Will the Harvest Be?

As far as the congressional district meetings before the convention proper were concerned, a Stone-Goebel combination organized six districts. In two others there were contending organizations, and the three other districts were organized by Hardin. This made the state central committee, state executive committee, committee on organization, committee on credentials and committee on resolutions. appear Stone-Goebel, subject, however, to change, if Hardin succeeded in organizing the convention. The disputes in the two districts could be settled in his favor and the convention chairman in appointing two members from the state at large for each of the committees would select Hardin men, making the committees Hardin by 7 to 6.

When the delegates to the state convention were called to order on June 21, the main question was whether Hardin would be able to carry out his claim that he would organize the convention or whether he could be beaten by any hostile combination. Chairman P. P. Johnston, of the state committee, whose duty it was to conduct the preliminaries to the temporary organiza-



1.—Ex-Gov. John Young Brown.

2.—Capt. W. J. Stone.

3.—Gen. P. Wat Hardin.

tion, was strictly anti-Goebel. The nominations made for temporary chairman were Circuit Judge D. B. Redwine, of Breathitt county, for Goebel and Stone, and Prosecuting Attorney W. H. Sweeney, of Marion county, for Hardin. Redwine was presented by a straight Stone man and by a straight Goebel man.

It took about eight hours to finish the balloting in this race, the most hard fought one for a temporary chairmanship ever known in the state. Not ten counties had been called before there was reached a delegation in which there was a contest, and a very obstinate one at that. It was passed by the chairman as were all other contested counties. There was such a wealth of these and the vote was so close that the result of the ballot depended wholly upon the decisions upon the contests. When Chairman Johnston undertook to decide these contests, the excitement of the convention was inaugurated.

In going through the list of contested counties, the chairman recognized local party authorities on the credentials, as a rule, but also asserted authority to decide disputes over credentials and to reject such as he deemed improperly given. Where there were fierce disputes, the matter was argued by vehement and perspiring men under the nose of the composed and patient chairman. These debates were quite personal at times and generally took place in the midst of a savage crowd that was likely to jostle the chairman and everyone else off the edge of the stage.

Matters progressed with the vote of the two candidates swelling, Redwine slightly leading. At about the end of the roll call of contested counties he had a slight lead and the Goebel-Stone people began yelling for a decision. Without permitting an intermission, however, the Hardin people came to the front with a contest in Kenton county, that had not been announced when the county was called. It involved thirty-five delegates.

The Goebel and Stone people immediately went mad, crying, "It is too late to contest." Chairman Johnston also said it was too late to contest, if notice had not been given in advance. "But notice was given me yesterday by Mr. Harvey Myers in this case," he added.

The convention was in an uproar. Nearly every big county in the state was then and there contested and the ballot had no more result than if it had never been begun. Goebel quickly appeared with a contest of Campbell, the county adjoining his home county, and the delegation from which was headed by Congressman Albert S. Berry. All of the counties contested were luscious and juicy as regarded the number of delegates to which they were entitled. Contests appeared in Harrison, Warren, Lawrence and Nicholas. The chairman endeavored to

keep up with them. He split the Harrison delegation, which benefited Sweeney's vote.

The Kenton county contest was called. Mr. Goebel's friends had been calling for him. The senator had been sitting in the rear of the stage with his coat off. He wiped his face, put on his coat and pushed to the front of the chairman, pale and perspiring. His appearance seemed to rally his supporters to displays of enthusiasm, which it was probably intended to do. He shook hands with the chairman, but the chairman said he was going to pass the contest, and Goebel retired. Important papers bearing on the contest had been misplaced and no one could find them. The work of the chairman went on until only the Kenton county contest remained to be disposed of. The vote between Redwine and Sweeney—between Goebel-Stone control of the convention and Hardin supremacy—hinged plainly upon the disposition of the 35 delegates involved in the Kenton county case. No one had any tally of the vote, owing to the confusion that ruled during the long and tedious call of counties, broken by innumerable contests and divisions in the voting. The difference between the two candidates was very little, Redwine appearing to be about a dozen votes ahead. When the Kenton forces gathered round the chairman the second time, Mr. Goebel was not among them, but he was represented by Capt. W. T. Ellis, Congressman John S. Rhea, and Congressman Charles K. Wheeler. Harvey Myers represented the contesting delegation. Capt. Ellis was just in the midst of a heated argument when the first "rough house" of the convention took place. He was saying that he did not think the chairman had the right to constitute himself into a committee on credentials without any precedent in former state conventions. The stage was crowded from footlights to back wall, there being the keenest interest in the matter, as it would prove doubtless to be the deciding point in the exciting day's proceedings and possibly in the convention.

Just what started the trouble has never been made clear. There had been friction over the police arrangements before the convention, Chairman Johnston for the state committee demanding the privilege of policing the hall without any assistance from the Louisville police or from any deputy sheriffs, private policemen or other organized bodies. He had appointed bailiffs who had been sworn by County Judge Gregory. The Goebel people were reputed to have a number of local followers in the house and in the neighborhood, who had participated in the riotous Louisville mass conventions. The crowd, composed of adherents of Hardin and Goebel and Stone packed the stage in jealous

proximity to the chairman. Bailiffs sought to loosen up the crowd on the stage, so that there would be more room for the chairman and the gesticulating debaters. A six-foot specimen of physical manhood, young, powerful, broad and weighing about 250 pounds, became excited. He stood on a chair and said that he could not be put off the stage. It took about two seconds for the young man to clash with the bailiffs. There was an upheaval in the crowd that spilled half of it off into the orchestra, while the other half formed a cyclonic disturbance on the stage. The crowd was so thick that no one even in the center of it could see anything, but the blows that were struck and the curses that were uttered all lent to the scene the impression that something was taking place. It took twenty men twenty minutes to move the athletic young man twenty feet toward the rear of the stage. He was content with this achievement and a bloody nose, and business was resumed.

Chairman Johnston decided that he would not decide right away, and the convention adjourned for an evening session.

Maj. Johnston retired to seriously consider the case before him. It was in his power to declare the convention in the hands of Mr. Hardin by simply recognizing the contesting Kenton county delegation. That his decision would precipitate a riot, there was not the least doubt, as during the afternoon it had been felt in the air. Afterward it was charged that Mr. Goebel had enlisted a desperate set of men who would have opened up the trouble at the moment Maj. Johnston's decision went against them. Those who know Maj. Johnston doubt that any knowledge of such a situation influenced him in his decision.

A number of policemen were sent to the hall to preserve peace. In order to relieve the strain somewhat, it was announced at the night session that the case would be submitted without argument. Finally Maj. Johnston appeared and announced that the Goebel delegation for two legislative districts, involving 24 delegates, was recognized, and that in a third legislative district no delegates at all would be recognized owing to the great doubt over the respective claims.

The decision was received calmly. It lost Redwine just 11 votes, but, on the other hand, did not increase the number for Hardin's man.

A recapitulation was demanded by the Hardin men in order to gain time. A point of order against this was presented by Rhea for Goebel and Stone, and there was a cry of "Announce the vote," "Announce the vote." Before there could have been an announcement, Harlan county furnished a diversion by

changing her vote to Sweeney. It amounted to only one vote and was allowed.

Demands for the result of the ballot were made again. Maj. Johnston declared that until there was quiet restored he would do nothing. It was some time before there was order, and then Chairman Johnston declared Redwine elected by 551 1-6 votes to 529 5-6 votes for Sweeney. The announcement was received with acclaim by the Goebel and Stone people, who more than once had believed their fate sealed. They retired to arrange to complete their victory on the morrow.

The Hardin forces that evening were very crestfallen and desperate as to the permanent organization, which they were determined to fight for to the last minute. They had been beaten only by a coalition of forces and had almost a majority of the delegates after all. They had much more strength than either Goebel or Stone alone and were not out of the fight by any means unless the Goebel-Stone coalition continued unweakened.

* * *

From this time on those who participated in that convention had to deal with Mr. Goebel first. The chairman was his, and it afterward developed that Mr. Goebel had selected a chairman out of ten thousand.

The second day was a very busy one with the Hardin people. They had been beaten, but there was still a chance for ultimate victory if the convention could remain constituted as it was when the temporary chairman was elected. Their efforts were bent to break up the opposition, and defeat an unfavorable permanent organization.

They felt their way the first thing with a motion that all delegates recognized by Chairman Johnston be allowed to vote on all matters until the final adoption of the reports of the committees on credentials, permanent organization and resolutions. Chairman Redwine ruled it out of order.

"I appeal from the decision of the chair," cried Willard Mitchell, of Jessamine county. W. H. Sweeney, the defeated candidate for chairman, also jumped up. "We are democrats and demand fair treatment," he shouted with his noted convention voice, "and by the living God, as democrats, we intend to have it." Cheers from the Hardin people.

John B. Thompson, Hardin's manager, arose and purred in this fashion: "We meant no disrespect to the chair by this resolution; we merely meant to allow this convention to seat the delegations temporarily which were seated by Maj. Johnston yesterday. The convention can revoke its action at any time. This resolution is in the interest of harmony, and to prevent pos-

sible disruption of the convention itself." There were sharp claws behind that remark.

"The chair and not the convention has the right to rule here," said Chairman Redwine, adding that he in this ruling was only following the course of Maj. Johnston.

"If you are going to decide arbitrarily this way," shrieked Mitchell, "why don't you name the nominee and end the convention?"

The chairman then named the members from the state-at-large on the committees, making each committee a Goebel-Stone body with Hardin's membership outnumbered two to one. The state-at-large members appeared to be divided between Goebel and Stone men equally.

The committees were put to work immediately by Mr. Goebel who was doing all the work in connection with the combination. In the meantime the convention adjourned to the next day by common consent, although there was much maneuvering before this was accomplished, one element being very wary of the other. The Hardin people first felt the chairman on one or two little points and found that he was as firm as the man behind him. They drew off for a council of war and there was rumor of a bolt on account of the chairman's ruling.

* * *

The committee work was dominated by Mr. Goebel. The resolutions committee before midnight had settled upon the resolutions. The greatest difficulty arose over an indorsement of the Goebel election law. There was a genuine fight over this, but Mr. Goebel came off best. One element in the committee thought it would be fatal to refer to the election law at all. Others thought it would be well to stand for particular amendments to it. The resolutions were finally clinched with an indorsement of the Goebel law.

The platform reaffirmed the Chicago platform, denounced the national republican administration's conduct of public affairs, and denounced the republican state administration as incompetent, especial condemnation being given of Gov. Bradley's calling out the militia pending the election of a United States senator in 1896. It denounced trusts, recommended the amendment of the Kentucky anti-trust law to make unlawful any arrangement whereby in carrying on business the prices are to be controlled or regulated; indorsed the school book bill and the railroad bill; expressed confidence in Wm. J. Bryan and favored his nomination for president; recommended the election of

Blackburn to the United States senate and adopted the following indorsement of the election law:

"We indorse the amendment to the state election law passed by the last democratic general assembly of Kentucky over the veto of the republican governor. We declare that amendment to be in the interest of fair and honest elections. Its faithful enforcement will render impossible the commission of any such frauds as were perpetrated in this state in 1896, whereby the will of the people was overthrown and the state lost to Wm. J. Bryan."

In the committee on credentials, Mr. Goebel's influence was also felt to the exclusion of any one else. Two strokes were made. One was the agreement in the committee to accept the regular credentials where there were no contests. The other was that no contests be decided separately and that they be acted upon in a lump. Over 300 delegates were involved in the contests, which were, with few exceptions, in the heavily represented counties. The committee did not finish its work on the first day.

* * *

The Hardin people had taken on a savage temper. The Goebel-Stone alliance was still on, but the extent of it was not known. It was popularly supposed that Goebel was to get out of it the platform, and state organization and Stone the nomination, for Stone had about as much use for an organization as an elephant for roller skates. It was freely predicted that Capt. Stone would be betrayed in the deal, whatever it was, and the report received credence.

That night Capt. W. J. Stone, wearing a very troubled look, surprised the lobby of the Galt house with his presence. He crossed the tiled floor in a great hurry with his crutch and dove into Mr. Goebel's headquarters. He remained there a few minutes and then came out looking somewhat relieved. It was whispered that Capt. Stone had come in a great panic over a report that the Louisville Goebel delegation, when it would be seated, would throw its vote entirely to Mr. Goebel instead of dividing with him.

Around Hardin headquarters the same night, a bolt, or what would have been called a bolt, was freely discussed. "In case we are shut out, as we claim to have been this morning on two propositions," said one of Hardin's lieutenants, "there will be two conventions. We don't propose to go up against this kind of a game." It was decided to give Chairman Redwine one more test.

* * *

The third day, Friday, June 23, opened with the Goebel-Stone combination in a precarious condition, as those on the inside knew. The committee of credentials, it was reported, still had 32 contests to decide, and adjournment was taken to 4 o'clock in the afternoon. The Hardin people had not shown their hand.

The committee on credentials was working busily all day. The Hardin people spent their time in working up a big meeting at a hall in the neighborhood of Music hall. A gathering was obtained by the distribution of circulars addressed to the delegates. These said: "Those delegates who are in favor of proceeding with the business of the convention and who are in favor of the convention being conducted with honesty, that each and every candidate be treated with fairness and that an honest expression of the delegates representing the people may be obtained; those who oppose the tactics of Czar Reed in the democratic convention and who favor the recognition of the rights of all delegates and the recognition of a demand for a call of the counties whenever made, will assemble," etc.

The meeting was very warm and the speakers were very stormy in their expressions. The rulings of Chairman Redwine were condemned as arbitrary in the extreme. It was claimed that machine methods were prevailing in the convention and demand for fairness was made.

In the midst of the speaking a message was sprung on the assemblage announcing that the credentials committee had just unseated the Hardin delegations from the first five districts. This was announced from the chair. It increased the excitement. A set of red hot resolutions were adopted and a copy prepared to be presented to the chairman.

There were a number of straight Stone delegates inveigled into this meeting.

It was denied at the committee room that any such action had been taken as reported at the Hardin demonstration. However, the committee was at work.

† † †

Mr. Goebel came strolling into the convention hall, in the afternoon as cool as a cucumber, although with the knowledge that his chances of having the Stone strength to pull through the report of the committee on credentials were very weak. He saw Capt. Stone walk into the hall. Stone stopped at the door to the credentials committee room. Mr. Goebel stopped under a flight of steps and waited, while he sent up for Capt. Stone. Under the steps they held a very earnest conference for probably twenty minutes. Capt. Stone sent into the committee room

for three committeemen with whom he consulted. Then Capt. Stone went back on the stage to wait for the afternoon session to open. In that little conference the Stone-Goebel deal was repaired.

When order was called Chairman Redwine announced that the committee on credentials was not yet ready to report, reading a message to that effect.

It was immediately moved by the Hardin forces that the convention take up and determine the contests before the body. "The committee has been out too long," was the cry. A Goebel man moved to refer this to the resolutions committee, saying that the chair could not determine who had a right to vote until the committee made its report. The result of this was a personal argument between the Goebel gentleman and the gentleman for Hardin.

By this time every man in the convention was on his feet, roaring, hooting and jeering. Newsboys and lemonade venders ran for cover—the chairman sat down to wait for the turmoil to subside. Finally he made a little speech in which he said he intended to give fair play. He said that with about 300 votes contested he was at a loss to determine whether a resolution carried. He declared it out of order. Willard Mitchell responded that he could determine who were the proper parties if he would declare the resolution in order; to refuse to admit it was not dealing fairly with the convention.

Delegates were becoming more and more excited and less and less manageable. The chair said that there was no occasion for becoming excited, but the delegates continued to be excited. There was then a whispered conversation by a Hardin leader with the chairman, and it was announced by the former that Mr. Redwine had given his assurance that he intended to act fairly, and that business was not being delayed for any partisan purpose. The resolution was withdrawn. The Hardin crowd, however, did not accept the announcement with any degree of resignation.

Just then a resolution, bearing the signature of prominent members of every faction present, was offered by a Hardin man. It called for the adoption of a plank against the secret ballot. If it was offered with the view of trapping the chairman into a roll call, it failed, for he simply referred it to the resolutions committee.

A motion was then made to adjourn. It was received with such diverse sentiment, that no one could tell what any one else wanted, and nobody seemed to care. The chairman said the convention was adjourned. If the chairman's announcement was

heard, it was not obeyed by a large portion of the assemblage. "Come back," cried some, "we'll hold a convention," as delegates started to leave. Hardin men pulled them back. Some persons so approached became struck with the idea that they were about to be arrested which simplified matters not at all.

Half a dozen Hardin men on the rostrum were shouting and gesticulating till they were red in the face, but they could not make themselves understood. Finally C. J. Bronston, of Lexington, got attention with the startling observation, "I appear as the partisan of no candidate. I want to be heard just one moment. That party which I love more than my life is now in the hands of cut-throats and assassins."

This sentiment was received with mingled applause and jeers. After a few more words he said that all he desired to ask was that the convention be patient for just two more hours. So much noise was there that what could be heard of his speech made it appear very disjointed. He finally appealed to the crowd not to act rashly, not to be driven from the convention by the arbitrary ruling of a chairman. He was hissed for this remark. It made him angry. Then he said that he did not care to be heard by "the thugs and hoodlums from the slums of Louisville who had surrounded the convention with brass knucks and guns." He calmed down again and amidst jeers and applause and said that it was best for the delegates all to wait until the evening session for developments.

This demonstration was thought to have been part of an abortive attempt to stampede the convention for the election of a new chairman.

The night session, however, proved to be the star "rough house" of the day. In the first place, all the front seats and the larger part of the stage were held by persons who lived in Louisville. They were all reputed to be Goebel men and there was a fair sprinkling of policemen and firemen. Besides Mr. Redwine, it afterward developed, had sent out a request to the chief of police of Louisville to send down police protection, and it was sent in the shape of a dozen or more officers in uniform. He said that he wanted nothing but delegates, members of the organization, candidates and managers admitted to the hall. The local Hardin and anti-Goebel people were also in the hall in great numbers, and the aspect of the convention was that there were as many outsiders as bona fide delegates in the hall.

The Hardin people started the festivities with a strong complaint against the presence of outsiders in delegates' seats. There were kicks and counter kicks. Several claims were made that this or that man had a pistol.

"If this convention is to be given into the hands of the police and firemen and rabble of this city," snorted Sweeney, "I move that we adjourn to the city of Lexington."

A hundred people seconded this motion.

"Mr. Chairman, I demand a call of the counties on this motion," continued the delegate.

The noise was of such volume that the chairman's reply could not be heard. He said, however, that he could not entertain any motion for a call of the roll by counties.

One man arose and appealed in behalf of the lady visitors present that there be no disorder and that the delegates behave like gentlemen.

"Why don't the chairman treat us like gentlemen then!" was the reply to this from a man who had been shaking his finger at the aforesaid chairman.

A delegate then moved that the chair appoint ten sergeants-at-arms for each of the three gubernatorial candidates.

This was hooted at.

The secretary tried to read the report of the committee on credentials which had been rendered. The Hardinites insisted upon a roll call on the motion to adjourn the convention to Lexington.

A desperate attempt was made to pin Judge Redwine down upon his position that he could not call a roll of the counties on anything before the committee on credentials reported.

"But there is this trouble—there are so many contested votes," the explanation of the chair would wind up. Then the catechiser would rub his head, look dazed and wonder why the roll could be called on the report of the committee and upon nothing else.

Finally, after about two hours had been worn out in this kind of thing, the chairman proposed that all parties get together and have a little agreement, not about the vote, but about doing something or other just to be doing it. Representatives of the candidates then talked with the chairman, but there was no exchange of ideas that coincided. The representatives retired for a conference and later came in with an agreement to adjourn to the next day. It also included a provisional agreement for policing the hall and keeping it from being packed.

This resolution was adopted by common consent and the crowd left the hall, having done nothing but become hoarse. The report of the committee on credentials lay over.

✦ ✦ ✦

No results were obtained in the conference of representatives of the three elements in the convention. It was thought, however, that Chairman Redwine would permit contested delegations

to vote on all matters but their own contests, and that the credentials would be passed upon by counties instead of in a lump. Chairman Redwine afterward denied that he had committed himself to any such plan.

The report of the committee on credentials involved a gain of 159 votes to the Goebel-Stone combination over the vote that elected Redwine chairman. The gain was almost all in straight Goebel delegates. In the city of Louisville Hardin lost 70 men alone; in Campbell county he lost 23, and so on. This involved a bit of danger to Stone in case of a rupture with Goebel, as it would make Goebel first in strength in the convention. The Stone-Goebel combination in the committee of credentials had done the work.

It was charged against Goebel that many of his contests were made on the spur of the moment and after the convention indicated that the Goebel-Stone combination would secure the organization. Before the committee these contests were pressed by persons sent for in haste, and that one reason of the delay in reporting was the pressure to get these contests acted upon favorably. The Campbell county contest was the one most complained of, a contest in name only and without existence before the first roll call of counties.

A minority report was also prepared, calling for the retention of the delegations in about the shape that they had been admitted by Maj. Johnston.

About the first thing the Hardin managers did in the morning was to feel Chairman Redwine again after the majority and minority reports of the committee on credentials were read. The discussion on the reports had been very prolonged and heated. John B. Thompson asked if proxies could be voted. The chair said they could not be voted until the credentials had been established by the convention. An appeal from the decision of the chair was announced. It was lost in the confusion. A fight took place in the Bullitt county delegation over a contention over that delegation. Congressman Al Berry and Judge James P. Tarvin swapped compliments of a personal nature. Chairman Redwine was anxious for a poll on the reports. He called for a ballot several times, but the confusion was so great that a call could not be taken. Hardin delegates complained bitterly of the presence of policemen who, they said, were obtruding themselves.

The chair ruled that on the call of the counties he would recognize only such counties as were without contests. This made the Hardin crowd furious, although they had divined that this

would be his ruling after they had figured out the effect of the report of the committee on credentials and of the many contests made before it.

The roll call upon the minority report was at length started and John B. Thompson came to the stage and made a final appeal that all the delegations bearing *prima facie* credentials be allowed to vote. Judge Redwine remained firm.

"These delegations, then, are under no obligations to support the nominee of this convention," said Mr. Thompson grimly..

Judge Redwine said he was sorry but he had no authority to act differently. A motion was made to have all the counties in which there were contests, called, and that their votes be counted. The motion was declared out of order; an appealed asked, and that ruled out of order.

At the conclusion of the ballot the minority report had lost by 441 to 328. There were 322 votes or nearly one-third of the convention, left out of calculation.

Upon this, the Hardin management acted brilliantly. Instead of a bolt, it came to the front with a motion to adopt the majority report unanimously, which carried with a gasp of surprise and exultation from the Goebel-Stone alliance. What did it mean?

It meant that P. Wat Hardin was for the first time present in the convention. He elbowed his way along the wall from the door and toward the stage, followed by a crowd of enthusiastic lieutenants. The man who through four days of intense struggle had been defeated for the control of the convention, was going to do something sensational.

Cries of "Wat Hardin!" "Wat Hardin!" filled the air, and Gen. Hardin stepped dramatically up to the footlights, after crawling through the ropes that divided the front of the stage from the back. The Hardin men fairly screamed in their enthusiasm. It was a moment of the most excited speculation. The Stone and Goebel men screamed too, just to relieve the tension.

Gen. Hardin's face was pale, and his hand trembled as he poured out a glass of water, the pitcher rattling against the tumbler. Then bracing himself he said in a dry voice that cut into a sudden silence like a knife:

"Gentlemen the hour has come when I myself must act."

A pause.

"Realizing that the highest interests of the democratic party in Kentucky demand an expression from me here and now, I want to make it."

He reviewed the contest briefly and in general terms, and said that the time had arrived when everything personal should be

waived. He said it was his purpose to retire and that his name should not in any event be placed before the convention. But he had one parting request to make even of his opponents, and that was "If they would have the cause of democracy in 1900 to succeed, not to transfer the organization into the hands of those that betrayed it in the past."

"You mean Goebel!" cried a voice.

Gen. Hardin did not say whom he meant, but continued in a labored strain, saying that he trusted the convention would be careful to make an organization that would promote harmony in 1900.

The withdrawal of Gen. Hardin had been managed by that convention artist, John B. Thompson, who wisely fixed upon a reaction in favor of Hardin as a very promising result of this dramatic withdrawal, especially should the Stone and Goebel men fighting it out between themselves come to loggerheads.

The Stone and Goebel delegates greeted the withdrawal of Hardin with wild shouts. Some even expected the immediate announcement of Mr. Goebel's withdrawal and a nomination of Stone by acclamation. Then it was distinctly impressed upon delegates that Mr. Goebel would be placed in nomination, and the prospect of a love feast was put farther into the distant future.

Friction immediately developed upon the reading of the report of the platform committee. Thompson made a motion to strike out the indorsement of the Goebel bill and McChord railroad bill. An aye and nay vote was quickly taken by the chairman and the motion declared lost.

The report of the committee on permanent organization was then offered and was adopted unanimously. It made the temporary organization permanent.

† † †

Nominations for governor were called for. Capt. Stone was nominated by John S. Rhea, and seconded by Wheeler. Judge James P. Tarvin nominated Mr. Goebel, and it was seconded by Leonaidas Redwine. Senator Bronston startled the convention by briefly adding his voice to the second. This was a very deep move, it appeared. It certainly nettled the Stone people. Suppose the Hardin strength would go to Goebel and make him win?

Another surprise was an abortive attempt to spring a dark horse. John Young Brown was placed in nomination as "a man who has backbone and not one whose brain is consumed with ambition." This was done in the course of the first ballot which

was taken without delay. Hardin, in spite of his withdrawal, received the support of a great many of his delegations.

The long roll call continued in great suspense and with few incidents of any note. When Jefferson county was reached the convention received a shock. The whole delegation of 84 was cast solidly for Goebel, although it had been the common belief that its vote would be divided equally between Goebel and Stone. Nearly as bad as that, many Hardin counties went for Goebel. His immediate followers raised a joyful cry of "Goebel!" "Goebel!"

Just how the vote stood at the end of the call is hard to say, as the end of the call could not be discerned. It was asserted that at one time Goebel had the nomination on the face of the tabulation and all that was needed was a strong display of nerve by the chairman to disregard counties desiring to change their vote, and announce the success of Goebel.

At any rate Goebel was within a very few votes of having the nomination, and the Stone people grew wild with rage and tore back onto the stage where Capt. Stone sat in one corner and Mr. Goebel in the other. Urey Woodson quickly changed the whole Daviess county Goebel delegation to Stone as an evidence of good faith on Goebel's part and to correct the terrible "break" made by the big Louisville delegation in failing to split its vote.

For an hour after that the convention hall was in a state of the most insane tumult, the chairman seeking to hold the crowd in check without attempting to announce the vote. Changes of votes were announced; claims of treachery, motions to adjourn were made. The chairman simply refrained from doing anything and with the secretary waited for matters to quiet down before making any more moves.

* * *

The Stone men held a hurried conference. Goebel had thought he was in reach of the nomination and had thrown aside all obligations in a wild dash for the goal on the first ballot, they firmly believed.

The demand was made upon Goebel that he immediately withdraw. "I will withdraw at once and nominate Gen. Hardin," said Capt. Stone, vehemently. Goebel lieutenants, who had been called to account for the change in the Jefferson county vote, were crowded around Capt. Stone, and quailed at this angry announcement. They asked him for his terms to prevent a stampede to Hardin.

"Mr. Goebel's immediate withdrawal," was Capt. Stone's firm reply. At the same time Ollie James and Charles K. Wheeler

rushed to the front of the stage to start the ball rolling in the reaction to Hardin.

"Wait," cried the frantic Goebel men, "wait."

"It is too late," was the reply of the raving Stone men. C. C. McChord, Mr. Woodson, Sam J. Shackelford and a half dozen other Goebel lieutenants hurried over to where Mr. Goebel was sitting in the other corner and implored him to accept the terms of Capt Stone. They feared that the nomination of Hardin would result also in the capture of the party organization. Really, it seemed Mr. Goebel's only salvation. To refuse seemed to mean that he would leave the convention thoroughly whipped and without even an interest in the party organization.

Coatless, the man from Kenton county listened to them, fanning himself calmly. He said nothing to the appeals, but appeared to be revolving the critical situation in his mind.

Finally he said that he would not move an inch.

"They'll nominate Wat Hardin," was the cry.

"Then let them nominate Wat Hardin," was the quick reply. "If they can stand it, I can."

In the meantime votes were changing from Stone to Hardin, and a recapitulation showed that Goebel has lost possibly 200 votes. The Goebel people tried to appease Stone by giving him the whole of the Jefferson county vote.

On the stage Goebel and Stone were brought together by C. C. McChord and held a brief conference, that was very animated on the part of Capt. Stone, who was laying down the law in vigorous fashion. Senator Goebel seemed undecided and non-committal. A semi-circle of wide-eyed onlookers at a respectful distance added to the impressiveness of the little scene. Capt. Stone arose as if to carry out his threat to nominate Hardin.

"Wait a minute," said Goebel. They talked a little longer and Goebel retired to his side of the stage. Capt. Stone, however, was deterred from carrying out his ultimatum by persons who thought that he need not act precipitately and that possibly he could be nominated.

The end of the ballot found Stone with the highest number of votes, Hardin second and Goebel third, but with not 50 votes difference between any of them. The Stone vote given to Hardin had been replaced with the Goebel vote given to Stone. A truce was declared by all factions and they were to be reassembled after supper.

The night session was taken up in a half dozen fruitless ballots, the vote remaining substantially one-third for each of the candidates. The convention then adjourned through a provisional agreement between Hardin and Stone, and these leaders

conferred with each other with a view of coming together upon a permanent agreement to fight against Goebel. It was very hard for them to come to an agreement. Both wanted the nomination, and neither had any use for the organization without the nomination. This was the difficulty.

Great confidence was expressed by the Goebel people during the intermission of Sunday. They openly boasted that they had the key to the convention, and that in the event of the adoption of a resolution to drop the hindmost man Goebel would drop either Hardin or Stone and fight it out with the other. There seemed to be great confidence on their part that Hardin and Stone would never get together on any proposition that would hold to each their full strength.

* * *

When Monday morning came the convention hall was found to be strewn with seventy-five or eighty Louisville police. The Hardin and Stone people were furious. The policemen handled the entrances and were thickly distributed all through the hall. They refused large numbers of people admittance. Goebel took his accustomed seat far back on the stage, flanked by Jack Chinn and Eph Lillard. Stone took his corner at the other end of the stage. One scarcely looked at the other. Time was when they sat almost hand in hand on that stage. Chairman Redwine had a substantial bodyguard seated near him. The Goebel people explained that the police were necessary to prevent the convention being broken up.

It quickly developed that Hardin and Stone had not come to any settlement over the pooling of their issues, except a determination, if possible, to elect a new chairman.

John Rhea started the campaign against the chairman.

"I move you, sir, that the police in and around this convention be requested and commanded to withdraw."

A great shout of approval from the Stone and Hardin element greeted this.

Chairman Redwine saw that the crisis was at hand, and, bracing himself, essayed an explanation of the presence of the officers. He said that they were intended to repress disorder, but that no man's right would be interfered with. Willard Mitchell leaped four feet in the air in his indignation.

"I appeal from the decision of the chair." Men pushed to the front, only to encounter a line of policemen that extended along the base of the stage.

"Call the roll for governor," was Judge Redwine's command, and which he persisted in for the remainder of that day, that resulted in only two ballots in twelve hours.

"The county of Adair," shouted the clerk.

An excited bunch of Hardin and Stone people banked themselves in front of the chair. "There shall be no roll call," they cried. "We won't stand it."

"Give us a vote on a motion," they insisted.

"Give us a vote on the appeal."

Several friends of Mr. Goebel entered into arguments with the objecting delegates, and some very warm talk passed. An attempt was made to justify the ruling of the chair. On the other hand, Congressman Wheeler pulled a copy of the Reed rules of congress on Redwine and said that they permitted an appeal from the chair. Some reference was made to the conference of the representatives of the three candidates to agree upon an arrangement to handle the convention, but which was productive of no definite result.

"Give us a vote on the motion, and if the majority wants the police we will abide by it," said the Hardin and Stone crowd.

"The very right of existence of the convention itself," said Judge Tarvin, "depends upon the chair in this case, and therefore he may elect to ignore an appeal."

After saying that he did not intend to stifle any debate, the chairman ordered the roll call again begun.

"The county of Adair."

Every anti-Goebel man in the convention emitted some diabolical sound.

"Do we get that vote?" asked Thompson, in a lull.

The effort to get a roll call was renewed, and the noise was renewed, too. For over an hour the din was so great and so well maintained that no roll call could be taken.

Commonwealth's Attorney Bob Branklin, of Franklin county, 'a Goebel man, as a diversion, started up "Old Hundred," which was sung. It was soon changed to "There'll be a Hot Time in the Old Town Tonight." "On Jordan's Stormy Banks I Stand" and "My Old Kentucky Home" followed.

"Give us a vote." "Give us justice." These cries the Hardin and Stone men made in the intermissions, while Judge Redwine calmly eyed the excited throng. "I have already ruled," said the chairman, "and that ruling will stand."

This kind of thing then kept up for two hours.

"Hang Judge Redwine on a Sour Apple Tree" some one struck up, and Judge Redwine beat time while it was sung.

Several attempts to call the roll on governor were blocked by the Hardin and Stone delegates.

"Sing 'Just Break the News to Mother,'" suggested a delegate.

"Better sing one about breaking the news to Bryan about this convention we're having," suggested another.

Chairman Redwine had his dinner brought to him and ate it on the rostrum.

A somewhat quiet hour was spent, while many delegates slipped out to get something to eat.

"This is the first democratic convention I was ever in," said Chairman Redwine after awhile, brushing crumbs off his mustache, "where the followers of any candidate refused to obey the ruling of the chair."

"Yes, and this is the first convention where the chairman assumed to trample all rules of parliamentary bodies under his feet," cried "Roaring Bill" Sweeney.

After another hour or two the chairman read a rule giving him the right to clear the galleries and lobbies.

The Hardin and Stone delegates derisively shook their badges.

"When you get ready to clear this floor," said one delegate, "nominate your undertaker."

"Arrest a single man in this convention," yelled Rhea, "and we'll go to jail with him in a body."

"No, you'll go in a patrol wagon," observed some facetious delegate.

"A telegram for the Hon. J. C. S. Blackburn," announced the secretary.

"Oh, no, Jo is too foxy to be here," shouted a delegate.

Presently a very determined effort was made by the Goebel men to get a ballot. The clerk, who was of the Goebel persuasion exerted himself to the utmost and succeeded in calling several counties, in spite of the employment of hundreds of tin horns and whistles by the tormentors. The chairman told all the delegation chairmen to come up close to the stage to cast their votes. In this way half the roll was worked through, however, not without a brush of several excitable delegates with policemen. Serious difficulties were barely averted.

As the ballot was proceeding the Hardin and Stone people shouted instructions across the hall for their men to ignore the ballot and not to vote. However, many did vote. When it was half through the noisy ones were compelled to be quiet, in order to see what was becoming of the vote. There were numberless squabbles about the votes of delegations.

The ballot, when announced, developed a peculiar state of affairs. Only about three-fifths of the convention had voted. Goebel had received 334 votes, and 547 was necessary to nominate—being a majority of the votes of the convention. However,

Goebel had received a majority of the votes cast. Brown received only a dozen or two votes.

There was a moment of suspense. Would Chairman Redwine decide to declare this a result, or would he hold that 547 votes was requisite? The chairman was asked about it, but held the convention in suspense. "A nomination such as that," said Ollie James, "would not be worth a baubee, and all the army that went to Cuba could not elect the nominee."

The chairman thought so too, for he declared that it took a majority of the convention, and not of the votes cast, to constitute a nomination. Another ballot was taken in comparative peace, the Hardin and Stone men doing very little voting, and by agreement of all three candidates adjournment was taken to the next day.

* * *

That night the Stone and Hardin people were very desperate. They had apparently made up their minds not to bolt from the convention, and had been blocked on every move made to get a vote for a test of the convention on anything but governor. There were urgent suggestions from persons outside the convention that an adjournment be taken to Lexington by the Stone and Hardin men.

Others suggested that another chairman be nominated and a dual convention be conducted right in the same hall. The police, it was thought, would block anything like this. At any rate, it was a ruinous thing to attempt. An effort to unseat Redwine was plainly guarded against by the Goebel people.

Mr. Goebel sat through the confusion of the day with a very cool demeanor. He had furnished Redwine with any backbone that the latter might have lacked. At one time when several delegates were scuffling with policemen Judge Redwine made a precipitate dive for the rear of the stage, but came out presently and continued to preside with his ordinary composure. The Goebel workers were busy among the exhausted delegates, who were tired of staying and were dropping off to go home and attend to growing crops or to return to other pursuits.

* * *

At the close of the sixth day of the state convention William Goebel forced his opposition back from trench to trench, fought the battle of his career, and won. At the close of a long and tiresome day he brought at the right moment the issue upon his opponents, defeating every flank movement with a generalship that stamped him indelibly the new autocrat of Kentucky politics. So bitter was the fight that it nearly cost him a bolt of half

the convention. Even as it was, his victory left a rankling hatred in the breasts of his rivals and very many of their followers.

As Goebel claimed he would a few days before, he won in a finish fight. After much maneuvering that was assisted by the weariness of the delegates and foemen, he succeeded in securing the adoption of a resolution to drop the hindmost man on the twenty-fifth ballot. This effected, he was left to carry out his boast that he could distribute the vote so that either Stone or Hardin could be dropped, and then fight it out with the survivor. He chose Stone as the first victim, throwing enough of his strength to Hardin to reduce Stone below the Hardin total, whereas he had been highest, and putting Hardin just lower than himself. Stone having been dropped, he counted upon the lack of good feeling between Stone and Hardin to win to himself very much of the Stone strength, which was exactly what took place.

Compelled then to accept as the nominee one who had entered the convention with the least strength, the convention set upon William Goebel, less the seal of enthusiasm, than surrendered to him as the victor and gave up to him the sword. There was little in the nomination to lend glory to the conqueror beyond fame of superb generalship that would be feared, if admired. His glory wrought ruin for two leaders long in line for honors and both gray in the councils of the party. The contest was in every way the most notable that had been fought for years.

The morning session was dull and without a sign of more than ordinary excitement. The vote ran pretty regularly—Stone, 375; Goebel, 352; Hardin, 364.

The move of the day on the part of the anti-Goebel element developed when Ben Lee Hardin, brother of P. Wat, arose and made a motion that the convention adjourn sine die, and that the state committee call another convention. A call of the counties on the motion was made. Discussion was entered into, the Goebel men arguing strongly against it.

There had been little of this, when at the door of the convention appeared Capt. Stone and Gen. Hardin, making a double dramatic entrance. Naturally, they were cheered furiously by their supporters. They made their way to the stage and addressed the convention in behalf of the motion. It was the last card.

Capt. Stone recommended adjournment sine die on the ground that there had been no nomination after a week of wrangling, and that it had become notorious that there was dissatisfaction in the ranks of the party. He thought it would be

the salvation of the party if the demands of the people could be reheard and an entirely new convention held.

Gen. Hardin spoke on much the same lines. He said that he had withdrawn in good faith, and that his name was being voted for without his acquiescence, but that he would not like to have the nomination with the feeling existing. The interests of the party required a new convention.

These speeches were answered by the heavyweight orators in the Goebel ranks, speeches being heard from Judge Tarvin, ex-Gov. McCreary, Bob Franklin, Sam Crossland, George T. Farris and others. Rhea and Sweeney spoke for the resolution.

Finally Chairman Redwine said: "I lay no claims to being a good parliamentarian. I have presided over only a few simple conventions out in the country. The interests of the party demand that a nomination be made in this convention, and I will not entertain any motion the object of which is to strike at the foundation of the existence of this convention. The secretary will call the next ballot."

"We want an appeal from your decision," cried some one, but the appeal was never granted. After not much confusion the next ballot was taken.

A Goebel man introduced a resolution that after the twenty-fifth ballot the candidate receiving the lowest number of votes be dropped and then thereafter not be voted for by any delegate.

"Why don't you rule that out of order?" sarcastically yelled "Roaring Bill" Sweeney.

The chairman made an ironical motion of assent, but the resolution was not ruled out of order. A vote was taken, and it was adopted by a vote of 571 2-3 to 519 1-3. This adoption of the resolution showed more than Goebel's strength, as the convention was tired of the suspense and wanted to end it in some fashion.

The twenty-fourth ballot resulted: Goebel, 364 1-6; Stone, 348 1-2; Hardin, 361 1-2; scattering, 16 5-6. Neither Hardin nor Stone was in the hall.

A dead silence prevailed when the next and fatal ballot was reached. John Thompson puffed his brier root pipe nervously; John Rhea sat with downcast eyes, breathing hard and fanning himself with his hat. Goebel sat back on the stage with Jack Chinn beside him, fanning himself with a palm leaf fan. The ballot proceeded in rare suspense. Here and there was a ripple of applause as one county or another divided its vote in a new way.

The vote was: Goebel, 389; Stone, 319 1-4; Hardin, 382 3-4.

There was little demonstration. Those who had known that

Goebel would attempt to deftly drop Stone and fight it out with Hardin had an eerie feeling at the sorcery displayed.

What would become of the Stone vote on the next ballot?

It took a long time to find out. On this ballot the Goebel people had their third good scare of the convention. Stone votes went one way or the other till near the bottom of the column. The solid Stone counties went for Hardin with sickening regularity. However, one or two first district counties gave their vote for Goebel, showing that there was something at work that gave no heartfelt joy to either Stone or Hardin. Finally the vote stood where just one county meant defeat or victory to Goebel. This was Union county, 16 delegates right down in Stone's district that had come up with Stone and voted with him all through the convention. Its vote for Hardin would make a tie vote. If it went for Goebel it meant the nomination. It did. The total was: Goebel, 561 1-2; Hardin, 529 1-2.

"Mr. Chairman, and gentlemen of the convention," Mitchell cried, "I believe there is not a man on this floor but what knows that I have done the best in my feeble way to secure the nomination of Hardin for governor, but I have been unsuccessful in my efforts, as have my friends in their endeavor to name the nominee. Now I believe we all, as democrats, should forget the bickerings and the troubles we have had."

Cries of "No, no, no."

Mr. Mitchell: "Any man who says no is not a democrat. I therefore, move to make this nomination unanimous. Every man who votes no on that motion stands branded as not being a democrat."

The motion was put by the chair and declared to be carried.

A great whoop went up from the crowd. J. C. S. Blackburn, who had been lying in wait for the result of the nomination, came tearing into view. During the pandemonium Chairman Redwine designated Blackburn, McCreary and John Rhea to escort Mr. Goebel to the center of the stage.

Every one on the Goebel side yelled and cheered and threw hats in air, and the stage was in a wild tangle of people climbing on chairs and tables.

Rhea sat in a front seat with bowed head, the most dejected and disgusted man that was ever crushed in a convention. Friends pleaded with him to accept the duty imposed upon him by the chair. Rhea sullenly refused. Mitchell was named in his stead and accepted readily enough. Hardin and Stone people filed out at the back door.

Presently Blackburn and Mitchell pushed Goebel out through the crowd. He had thrown on his coat in spite of the distract-

tion of the moment and stood while several dozen people tried to grasp his hand, all at once. The convention cheered and roared.

Blackburn was the first to speak. He said:

"Mr. Chairman and fellow democrats, during the long and heated contest that has prevailed in this hall for a week there have been those who doubted and predicted that we would not be able to elect a ticket that you in your wisdom should select, but from this moment forward no democrat, from Mills Point to the mouth of the Sandy, will deny that, as the representative of your committee, I now present to you the man whom Kentucky's democracy says shall be the next governor of this great commonwealth."

Goebel was presented with these words, and he made a brief and entirely novel speech accepting in the nomination.

"Mr. Chairman and fellow democrats: I never got anything in my life that was worth having without a hard fight, and I am always willing to make the best fight I can for anything I believe worth having. I believe the governorship of Kentucky is worth fighting for; and with that purpose in mind I shall now open the campaign and fight for the principles of the democratic party and the governorship of Kentucky from this day until the November election.

"I am not going to attempt to make you a speech tonight. I want merely to thank you for the nomination. No man could be more grateful to the democracy of Kentucky for the honor you have conferred upon me this day than am I. No man would have done more for my distinguished opponents than I, and I have a right to expect that they will do the same for me, and I do not doubt they will.

"I merely want, in conclusion, my friends, to thank you for this nomination from the bottom of my heart.

"I shall endeavor to discharge my duty as your leader in the coming campaign to the full extent of what capability I possess. I thank you again."

Mr. Goebel retired and in a businesslike manner went to his hotel to get something to eat.

In the meantime the convention was attempting to resolve itself into a love feast; Thompson, Wheeler, Bronston spoke accepting their fate. Even a rather noncommittal expression was elicited from Rhea and Sweeney. They both said they would vote for Mr. Goebel because they had to. Mr. Blackburn closed the evening with a grandiloquent harmony speech. He said victory was already assured.

About half the convention was very sore after the nomina-

tion. Neither Hardin nor Stone were at the convention hall when the nomination was won. Their headquarters were lodges of sorrow that night. A band serenaded Mr. Goebel at his hotel, but he was soon engaged in arranging for the next day's business of the convention.

✦ ✦ ✦

On the last day of the convention the minor candidates were nominated. There were several very tight races, in which Goebel's hand is said to have figured to a deciding extent.

For lieutenant governor, J. C. W. Beckham, of Nelson county, was nominated. He was probably the youngest man ever put forward for such an office in Kentucky, being nominated before he was of eligible age. He was not yet 30 years old when put on the ticket. He was born August 5, 1869, at the family residence, near Bardstown. His father was William N. Beckham and his mother the youngest daughter of Charles A. Wickliffe. Young Beckham was educated in the Bardstown public school and then attended Central university at Richmond. Leaving there in 1886 he began the study of law, which he continued while principal of the Bardstown public school from 1888 to 1892. He was licensed in 1889 and four years later began to practice law. His career in politics while short, has been one almost without opposition. The same year he began the practice of his profession he was elected to the legislature, without opposition either in his party or on the part of the republicans, who did not put up a candidate. In 1895 he declined re-election. During the famous deadlock in the legislature in 1896 over the election of a United States senator, Mr. Beckham played an important part. Isaac Wilson, who had succeeded him in the legislature, died suddenly while the bitter fight was in progress. Beckham was selected to take his place at a special election, held February 1, 1896. It was important that he should be on hand at Frankfort on the following Wednesday, February 5. His presence there was necessary to prevent the election of a republican. On the day before he left his home at Bardstown. It seemed the fates were on the side of the republicans, for the train was wrecked. Beckham, however, drove 65 miles in a buggy that night and managed to reach Frankfort in time for the next morning's battle. In 1897 he was again re-elected without opposition. At the 1898 session he was elected speaker of the legislature, having been selected for the place at a caucus. Beckham was the grandson of former Governor Wickliffe of Kentucky.

Other nominations were: For attorney general, Judge Robert J. Breckinridge, of Boyle county, formerly member of the confederate congress; for auditor, Gus G. Coulter, of Graves county,

formerly circuit clerk there ; for treasurer, S. W. Hager, of Boyd county, was county judge ; for secretary of state, R. Breck Hill, of Clark county, lawyer and real estate dealer, formerly county judge and county clerk, and clerk of the house of representatives ; for superintendent of public instruction, H. V. McChesney, of Livingston county, superintendent of schools in that county ; for commissioner of agriculture, Ion B. Nall, of Louisville, editor of a farm paper, veteran of the federal army.



.c-

na-

CHAPTER IV.

THE NOMINEE REPUDIATED.—The Sandford Tragedy.—Hardin Silent.—Stone Declares That Goebel Promised Him the Nomination.—Denunciation of the Convention.—A New Convention Movement.—Fraud Charged.—The "Yellow Dog" Speech.

In 1895 William Goebel killed a man.

This man was John Sandford, of Covington, a leading citizen and president of a bank. He was an old confederate soldier, was active in politics and was typical of a quite influential and generally respected class of citizens. This tragedy was one black spot on Senator Goebel's past that it was believed would forever damn his political career beyond a mediocre stage.

The killing of Sandford was a notable tragedy when it occurred, and time had done little to efface it from public memory. It seemed as if Mr. Goebel was ever in the shadow of it. Very reserved, seldom seen on the street and known by few when he was seen, when recognized and pointed out there would be frequently some reference to the dark event.

The tragedy was never aired very completely. Mr. Goebel was dismissed at an examining trial, as having acted in self-defense, and no indictment followed, although efforts were made before two grand juries to secure one. Mr. Sandford and Mr. Goebel had for some reason fallen out. The origin of the trouble is said to have been of a strictly personal nature. Others declare that it had to do with politics. Certain it was the two men were on opposite sides of a political affair when they met on the streets of Covington. Two shots were fired—one by Sandford and one by Goebel. The shots rang out almost simultaneously and Sandford dropped with a quickly mortal wound in the brain.

Goebel was unhurt, but showed a tear in his trousers as one that had been made by Sandford's bullet. There were two or three persons standing by when the enemies met, but none gave a coherent account of the affair. The promptitude with which the principals began shooting indicated at least one thing, and that was that both were expecting a fight.

The immediate cause of the encounter was the publication of an article in a local newspaper directed at Sandford. It was the most savage and insulting attack of personal character. Quick

to resent it, Sanford suspected that the article had been written by Goebel. However, the latter did not appear to desire to evade responsibility for it.

"Are you responsible for that article?" asked Sanford when he saw Goebel.

"Yes."

Bang-bang.

J. C. S. Blackburn was a close friend of Mr. Sanford, who was at that time engineering some political project for him in Kenton county. He had been friendly with Mr. Goebel, too, but this affair naturally left them greatly estranged. At the funeral Mr. Blackburn delivered an oration over the grave, severely scoring the slayer.

A nominee for governor with this behind him had no rosy path before him, even with a record of a dismissal on the ground of self-defense. On the score of old companionship with Sanford, many ex-confederates, all democrats, openly revolted against the nomination of Mr. Goebel.

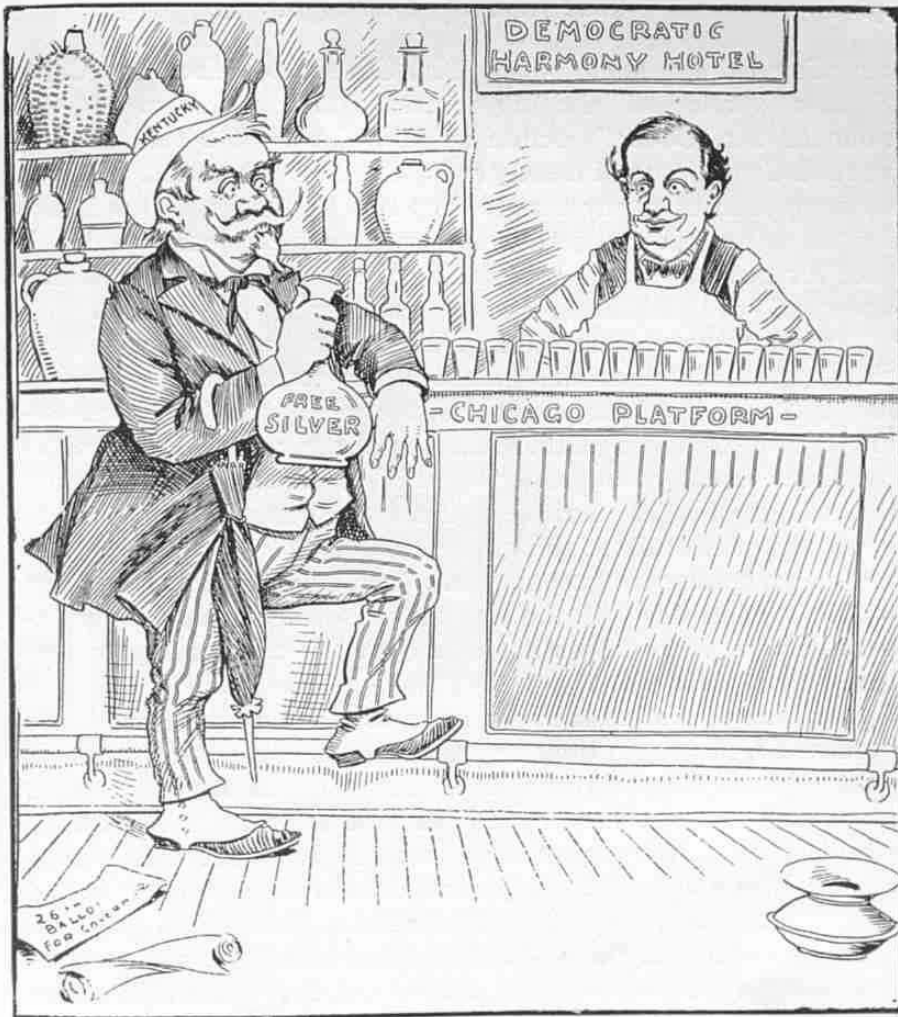
* * *

The convention had left other soreness that would not heal. There was talk of a new ticket very soon after the convention, especially as the details of the struggle were aired at leisure.

Capt. Stone and Gen. Hardin were as silent as the grave after the convention on the subject of support of the nominee. They declined to discuss their attitude toward him. Gen. Hardin would express himself on nothing whatever. Capt. Stone spoke to a certain extent and confined himself to it. He discussed the agreement he had with Mr. Goebel.

Capt. Stone dwelt on this echo of the convention freely and with frankness. Comment upon it he made none, but he confined himself to a direct statement of the case as he regarded it. His statement involved directly a breach of faith on the part of William Goebel, and it came before the last nomination had been made in the convention. It was substantially that Mr. Goebel had pledged himself to deliver to Capt. Stone the nomination in exchange for assistance in organizing the convention and securing a state organization favorable to Goebel. Friends of Mr. Goebel sought to discredit this, and then Capt. Stone wrote a more detailed statement to a friend, which found its way to publication.

The sharpest slap of all, perhaps, was that landed by W. C. Owens, who detailed the part he had taken as Capt. Stone's manager. Mr. Owens was formerly congressman in the "Ashland," or seventh district, where he figured in a red hot race with W. C. P. Breckinridge, whom he defeated. Mr. Owens utterly



SIXTEEN TO ONE IN KENTUCKY.
 Minneapolis Journal, June 29, 1899.



A FEATURE OF THE GO-BULL CAMPAIGN IN KENTUCKY.
 Washington Post, July 29, 1899.

repudiated the nomination of Mr. Goebel, testified to Capt. Stone's version of the agreement with Mr. Goebel and denounced Mr. Goebel's action as perfidious. He said he had warned Capt. Stone of treachery at Mr. Goebel's hands. He was so outspoken as to say that to help rebuke the wrong and save for the future his party, he would vote for the republican candidate for governor, and appealed to the honest manhood of the state to do the same and make the majority too big to steal.

For an answer to these things Mr. Goebel was pressed on all sides. He maintained the silence of the tomb for ten days or more. This helped his case none, the most free discussion following the exposure. Other features of the convention came to the front, notably the participation of police in the convention, the rulings of Chairman Redwine, the wholesale unseating of delegates. All of these things were expanded upon and treated to the most unsparing comment. The rural democratic press took a hand in this with the utmost independence, and many papers declared themselves not bound by the convention, just as many individuals did.

Even the preachers took up the Music hall convention. They preached against it in their sermons. Most of the ministers who referred to it did not go to the extent of indicating it by name, preferring to leave the politics in the background, but they found much in the proceedings to moralize upon. The candidate, too, was attacked in abstract, and sermons were preached upon the responsibility of good citizens in an election.

In the meantime there was a movement for another convention and a repudiation of the Music hall convention. If either Gen. Hardin or Capt. Stone had any part in this there was no evidence of it on the surface, nor was it charged that they were connected with it.

"A new convention" was a cry soon raised. The Jo Blackburn club, a Louisville organization, held a meeting, in which the nominee of the Music hall convention was denounced as unworthy of support by democrats, and lengthy resolutions were adopted calling for steps for holding a new convention. Not long after this a big meeting was held at Mt. Sterling, where the movement first took definite form. The resolutions suggested a gathering of democrats at Lexington on August 2 to confer upon arrangements for holding a new convention.

There were more mass meetings. At a gathering in Louisville Capt. W. H. Sweeney, who was defeated for temporary chairman by Judge Redwine in the Music hall convention, announced that ex-Gov. John Young Brown would accept the

nomination for governor at a second democratic convention, causing a stir of great magnitude, as Brown was regarded as a Goebel man. It became plain that he would be the nominee if the convention ever took place. Maj. P. P. Johnston, who was also discussed for the nomination, soon after signified his willingness to take second place on the ticket. The discussion of another convention then took up the question whether there should be a full ticket or only nominations for governor and lieutenant governor. Opinion was divided. Some thought that the objections to the Music hall convention involved only Mr. Goebel, while others took the position that if one nomination of the convention was irregular the whole ticket named was open to the same criticism.

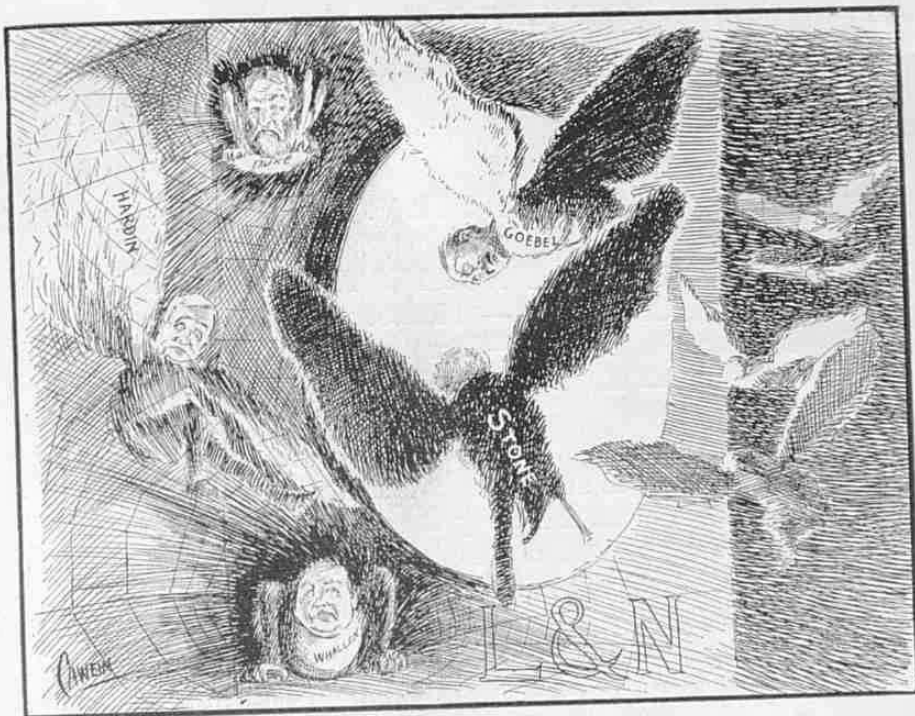
A big meeting in Bowling Green, held for the purpose of promoting the second convention movement, furnished an exciting incident and caused more comment than all of the meetings previously held. At this gathering, which was very well attended, partisans of Mr. Goebel disturbed the proceedings, and dangerous personal encounters were barely averted. The speech of the evening was delivered by Theodore Hallam, of Covington, an attorney of that place and long opposed to Mr. Goebel. In a caustic and brilliant style of expression, for which he was noted, he questioned the personal fitness of the nominee of the party. He said: "There is a great sacredness in the name of nominee. I have been told by the alleged chairman of our alleged democratic county committee that he thought I was the kind of democrat who would vote for a yellow dog if he was placed on the ticket as nominee. I answered him: 'I am, and have always been and I stand ready and willing today to go that far, but lower you shall not drag me.'"

Attacks on the Goebel election law began to appear. Its defects from every standpoint were pointed out, and the incentive to defeat under its provisions the will of the people was shown in complete fashion. In fact, never throughout the campaign was the subject permitted to rest. The agitation began so early for the reason that it was one of the grounds upon which the call for a new convention would be based.

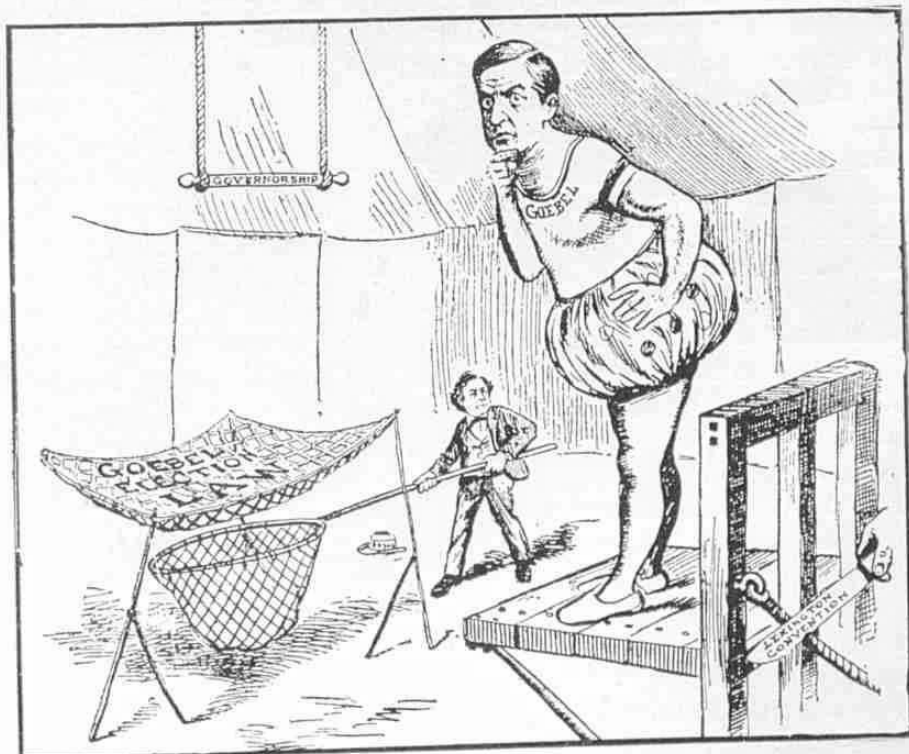
Besides this, Gov. Bradley was sounded upon his willingness to call an extra session of the legislature for the purpose of repealing the Goebel election law. To this Gov. Bradley was quite agreeable. A poll of the legislators was taken, but the results were not favorable enough to justify the call for an extra session. So many of the members were noncommittal that it was far from assured that the election law would be repealed.

The friends of Mr. Goebel, right after the convention, exerted themselves to the utmost to check the tide of denunciation following that affair. However, they were soon constrained to hold back and allow the storm to take its course, hoping that when the republicans nominated party spirit would restore content.





THE MOTH AND THE FLAME.
 Louisville News, July, 1899.



Washington Post, August 4, 1899.

CHAPTER V.

THE REPUBLICANS NOMINATE.—W. S. Taylor.—A Lamblike Convention.—“Honesty at the Polls and a Fair Count of the Ballots.”—Bradley Absent.—Other Men on the Ticket.—Sketch of the Republican Standard-Bearer.

In Gov. Bradley's cabinet was William S. Taylor, attorney general. His record as attorney general was unimpeachable. He was in high favor with the party organization. He was a man of modest demeanor, but of determined purpose. He was no man of the world, but popular among his immediate acquaintances. He distinguished himself mainly while in office by unremitting application to his duties and was very seldom in the public eye. When time rolled round for announcements for candidates for governor for the 1899 election there was no scramble. Nearly all the more prominent members of the party in the state were approached upon the subject of announcing candidacy, but none of them was willing to bear the standard of 1899. That 18,000 democratic plurality in 1897, the defensive attitude that would have to be maintained—always the hardest in a campaign—and the existence of the Goebel election law made the republican nomination in 1899 look like a hopeless burden and sacrifice for whoever would assume it. William S. Taylor was the first to entertain the idea of making the race. He would probably be defeated by a large majority, either by apathy in the party or by the operation of the Goebel law, but his sacrifice would put him in line for future honors, his friends thought. Defense of the administration of office by the state ticket elected in 1895 would be easy, as it was a clean administration, and the campaign could not hurt the party even if he were defeated by 10,000. He went to work to enlist the party organization early in the year, but without making a definite announcement of his candidacy. He had only the slightest difficulty in securing the support of the organization, as opposition was nominal. He announced his candidacy formally a month before the democrats nominated. Shortly after, Judge Clifton J. Pratt, of Hopkins county, and State Auditor Sam H. Stone also announced themselves for the nomination, and a rather tame little three-cornered race took place, attracting attention only within the party. At a “love feast” of republicans in Louisville in May, Mr. Taylor

Caleb Powers. John Marshall. W. J. Deboe. W. S. Taylor. C. J. Pratt.

Sam D. Brown.



G. W. Long. Vincent Boreing. W. H. Holt. H. S. Irwin. McK. Todd.

ATTORNEY GENERAL TAYLOR AND REPUBLICAN LEADERS.
Taken at London, Ky., August 22, at the Campaign Opening.

made a speech, his sole topic being the Goebel election law. He said that he would be glad to consecrate his life to fighting it.

When Mr. Goebel unexpectedly proved to be the democratic nominee, and his selection was attended besides by dangerous party discord, the republicans opened their eyes. Here was Mr. Taylor with a rich prize within his grasp—about to be nominated against a democrat who would have to contend against division in the ranks of his own party. The race for the republican nomination immediately began to brighten up.

It some quarters it was thought that Mr. Taylor was not timber for a winning fight. There were conferences and negotiations with a view of replacing him, by common consent, with some one more distinguished. While he had a spotless private and public history, he was rather plain and unknown to be depended upon to attract a following from outside the defined lines of the party. But it appears that Mr. Taylor decided that he would continue to strive for the nomination and then for election; that if he was good enough to head the ticket in an "off" year, he was good enough to make a winning fight, seemed to be his position. The justice of this claim was not denied. Messrs. Pratt and Stone and Taylor continued to make their canvass. Shortly before the convention the results of the county meetings showed that Mr. Taylor had such a good lead in instructions that his two opponents could scarcely hope to control the convention even by a combination. Mr. Taylor's quiet and confident preliminary work had given him a long advantage over his more tardy opponents and friends. So harmonious was the contest that the absence of friction immediately stood out like a lighthouse against the turbulence of the democratic convention.

The only cloud over the convention held at Lexington on July 12 was the non-participation of Gov. Bradley. It was thought several times that he would attend, but he never showed himself. It only needed his presence to make complete harmony. Minor incidents of an awkward nature were the existence of a contesting delegation from Louisville and a touch of obstinacy among some of the negro leaders, but none of these things cropped out in the convention proceedings and were afterward adjusted without having displayed such alarming features as characterized the democratic split.

The convention organized with Congressman Vincent Boring of the eleventh district as temporary chairman, and Judge James Breathitt, of Christian county, as permanent chairman.

The resolutions were adopted unanimously and with a whoop. The credentials were disposed of with ease, only trivial contests appearing. When the hour for nominations came it was not

known whether the names of Stone and Pratt would go before the convention for governor, although it was plain that Mr. Taylor would win on the first ballot. When Mr. Stone appeared on the platform it was to say that he had found the sentiment of the delegates overwhelmingly for Mr. Taylor "than whom no better man lived," and therefore he desired to move to make the nomination of Mr. Taylor unanimous.

The cheers that met this had not died down before Judge Pratt pushed his way out through the crowd and in a neat little speech seconded the motion. Then the house went wild, shouting and waving flags until the wide auditorium became a billow of color. Presently Mr. Taylor was ushered in and presented by Senator Deboe as "the next governor of Kentucky." He was shaking with emotion and made only a brief speech. He thanked the convention for the nomination which he was glad to receive untainted. He made a short plea for party harmony and declared himself in the fight with all his energy, for "honesty at the polls and a fair count of the ballots."

As he concluded the band started "Dixie" with a crash and the convention rose to its feet, waving hats and flags with an enthusiasm that welled up with and was carried beyond the duration of the inspiring music.

The minor nominations were made next, nearly all of them being the result of a sharp contest except that of Mr. John Marshall for lieutenant governor, who was nominated unanimously, and Judge Pratt, who had an easy race for attorney general.

John Marshall, who was given second place on the ticket, was a Louisville man, member of an old family. He was 43 years of age, engaged in the practice of law at Louisville. While always an ardent party man, he preferred to devote his services to other things than running for office and virtually refused the nomination for governor when it went begging earlier in the year. By means of considerable pressure, he was induced to go on the ticket in second place. He was in comfortable circumstances, in high standing, popular and with no absorbing political ambition. He was the first Louisville man to get on a republican state ticket in many a long year.

Other nominations were: For auditor, Elder John S. Sweeney, of Bourbon county, a minister of the Christian church, a wonderful pulpit orator and quite popular, first appearance in politics, nomination practically handed to him, brother of Indianian Z. T. Sweeney; for treasurer, Walter R. Day, of Breathitt county, a young man of prominent connections in his county; for secretary of state, Caleb S. Powers, of Knox county, superintendent

of schools in that county, known for some years as an ardent local campaigner; for commissioner of agriculture, John W. Throckmorton, of Fayette county, railroad conductor on the Louisville & Nashville, but owner of a farm; for superintendent of public instruction, John W. Burke, of Campbell county, superintendent of the Newport schools and of some fame as an educator.

The very first section in the republican platform, drafted by Editor R. B. Gelatt, of the Louisville Commercial, was the attack on the Goebel election law, in these words:

"We affirm that the existing election law in Kentucky enacted by a democratic general assembly in 1898 over the objection of our republican governor is viciously partisan, subversive of fairness and honesty in elections, hostile to the principles of free government, removes safeguards which have heretofore protected and guaranteed the right of suffrage, denies to our courts the power to protect voters in this state against the perpetration of fraud at elections, commits broad power to irresponsible commissioners not chosen by or accountable to the people for their acts, and imperils the sacredness, efficiency and power of the ballot. We therefore set forth as the supreme issue before the people of this state the repeal of this revolutionary law, and the republican party pledges itself to its repeal and to the restoration of the system under which free and fair elections have heretofore been the rule in Kentucky. We cite the election law, the penitentiary bill, the McChord railway bill and many other measures introduced and attempted to be passed by the last legislature of Kentucky as proof of the type of legislation to which the people of the state will be subjected should the democratic party come into power under its present leadership, legislation alike hostile to political honesty and purity, and to the material prosperity and advancement of our commonwealth. We appeal to the freemen of the commonwealth who value official honesty and fair elections above the temporary success of party, to join with us in the re-establishment of free suffrage and local self-government."

* * *

William Sylvester Taylor was born in Butler county, October 10, 1853. His birth place was a typical old-fashioned log house, standing on the bank of Green river, five miles away from Morgantown, the county seat. Poverty was his heritage; unrequited farm toil the occupation of his earlier years. At a tender age he manifested a love for books and study and as soon as his situation permitted—when he was about 15—he entered the free school of his neighborhood and attended it during several ses-

sions as regularly as his circumstances would allow. His powers of declamation and debate soon won for him a local name. His first definite ambition was to become a teacher. By diligent study—both at home and at school—he fitted himself for, and engaged in, this work. For several years he taught school and prosecuted his studies, obtaining by his own efforts a thorough English education.

He pursued the work of teaching in the schools of his county until 1882, when he became a candidate for county clerk and after a contest he was elected and won the distinction of being the first person to defeat a democratic candidate for that position in his county. He made an efficient officer, read law during his term and at the conclusion thereof was admitted to the bar and was made the republican nominee for county judge. This was in 1886 and for the first time in the history of the county a full republican ticket for county offices was put in the field, a strict party fight made and that ticket elected. In 1888 he was chosen by his party as a delegate to the republican national convention which met at Chicago. In 1890 he was renominated and re-elected county judge. During these last eight years of official life he practiced law and took high rank at the bar. In 1886 he was chosen the third district member of the republican state central committee. Meanwhile, in every campaign he was called into the field of active politics and was recognized as the ablest advocate of republicanism in the western part of the state.

In 1895 the western Kentucky republicans offered Mr. Taylor as their candidate for attorney general and in the memorable state convention held in Louisville that year he received the nomination over a number of worthy opponents. In the brilliant campaign which followed he took the stump and made an active fight and his speeches materially contributed to republican success. He, together with the rest of the state ticket, was elected and for the first time in something like 30 years a republican administration was installed at Frankfort.

As the law officer of the state, Mr. Taylor made a most gratifying record. Not only did he recover by suit thousands of dollars of franchise and other taxes due the commonwealth, but his conduct of other litigation was characterized with success.

CHAPTER VI.

GOEBEL'S ATTEMPTS TO PACIFY DEMOCRATS.
Denial of Stone's Charges.—Indorsed by Bryan.—John Young Brown Decides to Accept Nomination at New Convention.—Platforms Against Goebel Election Law.—Bryan Promises to Speak in Kentucky.—Altgeld Distrustful.—Temperance Committee Makes Open Warfare on Goebel.

When the republicans had nominated, Senator Goebel broke his silence on the convention question with the first and last formal statement he ever made on the Stone agreement. It concluded thus:

"Mr. Stone told me, and his friends told my friends, that if he could not be nominated that he and they preferred my nomination, and would do all they could to bring my nomination about. I said to Mr. Stone, and I have no doubt my friends said for me, that if I could not be nominated, we preferred the nomination of Mr. Stone, and would do all that we could to bring it about. But there was not made for me, nor by me, to any one at any time, any promise, suggestion or intimation, either expressed or implied, that I could in anywise, or to any extent, abate my efforts to be nominated.

WM. GOEBEL."

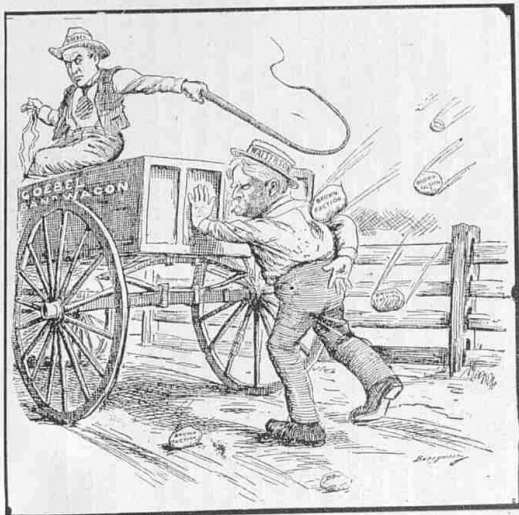
In answer Capt. Stone gave forth the following retort:

"Kuttawa, Ky., July 15, 1899.—The statements made by me to Mr. Campbell of the Cincinnati Post, published in the Louisville Dispatch of June 29, 1899, and also in my letter of July 5 to Mr. C. T. Sutton, of Owensboro, and published in his paper, are true in every particular, and any statements from any one to the contrary are absolutely false. My address is Kuttawa, Lyon county, Ky.

W. J. STONE."

* * *

Senator Goebel gave out an interview in which he said that William J. Bryan was as much the nominee of the democratic party in Kentucky as he was, as the convention had declared for Bryan without a dissenting vote. He said, too, "If I am not elected, Blackburn will go down. If the state ticket is not elected and the legislature not democratic, a republican will be elected senator." He said that this campaign was practically the opening gun for Mr. Bryan in 1900. "If the republicans win," he



A PHASE OF THE KENTUCKY COMPLICATION.
Washington Post, August 24, 1899.



PEACE PRESERVER BRYAN WILL ENTER.
Washington Post, Sept. 10, 1899.

said, "the election law will be repealed and the steals of 1896 will be repeated. If I am not elected this fall, Bryan can not carry the state in 1900. I estimate my majority with a fair count, at 25,000."

At about this time Mr. Goebel played a strong card for the return of disgruntled democrats to the fold. In response to pleas, Mr. Bryan promised to come to Kentucky and speak for the state ticket and legislative candidates. Senator Blackburn had done much to secure this acquiescence from the leader.

Mr. Goebel had gone to Chicago to meet Mr. Bryan to secure his assistance. At the same time, democratic friends of Hardin and Stone went to Chicago too, and they made a strong plea to Bryan to remain out of the state during the campaign and not take any part in it on the ground that there was such a revolt against Mr. Goebel that it would seriously threaten Mr. Bryan's own welfare in 1900. They came back claiming that they were confident that Mr. Bryan had not committed himself to Mr. Goebel.

Bearing upon this was a letter from Mr. Bryan coming within a few days of the Chicago conference. It was a rather long communication. He said that he had received many letters from democrats on both sides of the controversy and that he had avoided saying or doing anything to show any preference between the candidates in the bitterness that characterized the contest for the nomination, all being outspoken supporters of the Chicago platform. He would not now discuss the relative merits of the candidates. The only question to be considered now was the one urged—that the election of Mr. Goebel would endanger democratic principles as enunciated in the Chicago platform.

To this he said that Mr. Goebel had supported Blackburn and Hardin in 1895, and the Chicago platform in 1896; was chairman of the state convention in 1897, when the Chicago platform was adopted, and was on the reception committee in 1896 when he—Bryan—had visited Covington in 1896 during his national campaign. In the canvass for the nomination for governor Mr. Goebel had repeatedly said he would refuse the nomination unless the Chicago platform was indorsed. That Mr. Goebel was supported by some who opposed the ticket in 1896 was not a valid objection.

He also urged the necessity of electing Senator Blackburn, as division might result in his defeat. As to the possibility of Mr. Goebel's election being detrimental to the cause of bimetallism or himself personally, Mr. Bryan said that he had no personal or political interests that deserved to be considered when democratic principles were at stake, and that the cause would be in-

jured by the defeat of a democrat nominated on a platform which unqualifiedly indorses the Chicago platform.

The expression from Mr. Bryan gave the Goebel supporters much comfort. A campaign committee was organized with Senator Blackburn as chairman, the other members being ex-Gov. J. B. McCreary and Dr. John D. Clardy. Later, Congressman D. H. Smith went on the committee to replace Mr. Blackburn in active duty.

* * *

Meetings were held at Covington and Lexington, at which the Brown and Johnston movement was urged in speeches denouncing the methods and results of the Music hall convention. Such impetus was given the movement that the more sanguine anti-Goebel men began to claim that Brown would get more votes than Goebel.

Before the anti-Goebel conference took place, on August 2, the prohibitionists and populists held their state conventions. The populists met at Frankfort. They had a small and uninteresting meeting, but adopted a platform, the strongest plank of which was against the Goebel election law. Antipathy to the measure was expressed in the following words:

"We denounce the infamous Goebel election law as a revolutionary and undemocratic attempt to subvert the ballot, to enthrone in power in Kentucky a corrupt political ring, and practically destroy popular government. Therefore, we demand its speedy repeal and the enactment of a law which will preserve inviolate in the commonwealth of Kentucky the right of a free, untrammelled ballot and a fair and honest count."

The prohibitionists met at Louisville, in Music hall. The convention was a small one, but was remarkable for quiet, in effective contrast to the gathering held at the same hall in June. A woman was presiding officer, Mrs. Frances Beauchamp, who ruled that she should be addressed as "Madame Chairman." The delegates were mostly women. They nominated a complete state ticket. The regulation resolutions were adopted, but the most prominent plank was a demand for the repeal of the Goebel election law. The plank follows:

"We demand the repeal of the odious Goebel election law."

* * *

"My God, there's the greatest democrat in the world."

These were the words of Esquire Gossom, a veteran in the party, when ex-Gov. Brown came into view at the conference of the anti-Goebel democrats held at Lexington on August 2. The sturdy former governor was introduced by Phil Thompson, sr., of Harrodsburg, as "The rising sun of the Kentucky democra-

cy." Ex-Gov. Brown addressed the meeting after it had arranged to call a convention. His speech was full of virile energy throughout, as may be noted by this extract:

"I am here to appeal to every voter in this state, who is proud that he is a Kentuckian and an American citizen. Now, what is the dearest right that you have? Self-government, franchise and suffrage. Without that your rights are a delusion. The man who tampers with the rights of the humblest citizen of this state in his vote, the man that, at the ballot box, will falsify a vote is a public enemy; he is worse than the assassin; and the civilization of the age would improve, the moral atmosphere of every community would be purified, if the scoundrel should be immediately made to put on a felon's stripes, and hold his conversation through barred doors."

It was claimed that 60 counties were represented at this conference.

Resolutions were adopted, the first paragraph of which indorsed the Chicago platform and declared that W. J. Bryan was the true exponent of every principle enunciated by that platform, and, further, that those principles should be affirmed and he nominated and elected in 1900.

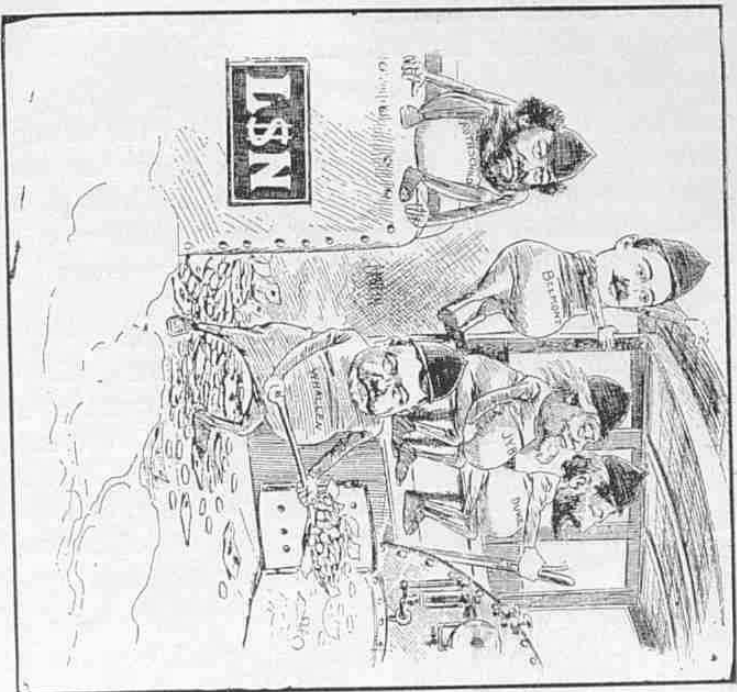
No reference, favorable or unfavorable, was made at this convention to Blackburn's candidacy for the United States senate.

When the call for the convention was issued for August 16, it came out over the signature of Maj. P. P. Johnston, who signed himself as chairman of the democratic state central and executive committee. By this was indicated that the anti-Goebel democrats would refuse to recognize the acts of the Music hall convention in the way of reorganizing the party machinery as well as making nominations.

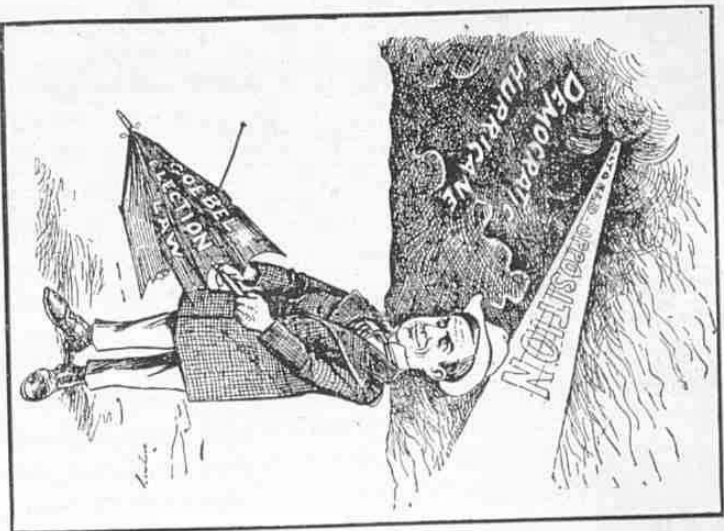
✦ ✦ ✦

Another cloud appeared upon Mr. Goebel's political horizon. Ex-Gov. John P. Altgeld, of Illinois, became interested in the Kentucky situation and stood with those silver democrats who would not accept Mr. Goebel. In an interview at Chicago he was quoted as saying:

"Goebel will be crushed to atoms. The democrats of Kentucky will not tolerate methods that override the will of the people. Goebel was nominated by main strength. The south does not like that sort of thing, and it will be rebuked at the polls." Asked what Mr. Bryan would do, Mr. Altgeld replied: "He can not support Goebel. It is not unlikely that he will come out positively against him. I say this, not because I have any information as to how Mr. Bryan feels, but I can tell about how he will look upon the revelations that have been made and are likely to



THE BROWNIES EN ROUTE.
 Louisville Times, August, 1893.



GOEBBEL'S RAY OF SUNSHINE.
 Washington Post, August 16, 1896.

be made showing Goebel's relations with the enemies of Mr. Bryan's friends. It is simply out of the question for Bryan to help Goebel crush his friends—the men who will send a Bryan delegation to the next national convention."

✦ ✦ ✦

Anti-Goebel men were not idly permitted by the strong Goebel supporters to go on organizing a new convention. The anti-Goebel men were called bolters. Mr. Goebel's efforts to placate the dissatisfied element in the party was beginning to be abandoned, and was practically abandoned with the indorsement received from Mr. Bryan.

However, about this time there came the announcement from Mr. Bryan that he would have to defer his visit to Kentucky to a date in October. It was pointed to with glee by the anti-Goebel democrats as an evidence that Mr. Bryan was reconsidering a promise rashly made to mix up in a dangerous local fight, and the claim was made that it was not so certain that Mr. Goebel had the full recognition from the national organization of the party.

✦ ✦ ✦

A severe blow was aimed at Mr. Goebel before he opened his campaign. This was a proclamation issued by the executive committee of the interdenominational temperance committee, which claimed to represent 500,000 professing Christians in Kentucky. This paper was a report upon the candidates before the state election. At the 1898 legislature the committee was promoting the Roberts' bill, a measure intended to make local option dependent upon the votes of counties instead of the votes of precincts.

The report made by the executive committee stated that Mr. Goebel, as senator and temporary presiding officer of the senate, was principally responsible for the failure of the bill. This was made the basis for an attack upon Mr. Goebel's sincerity in his attitude toward Christian objects, and democrats were asked to repudiate his claim to their support. Mr. Beckham and other nominees were also objected to in connection with the fate of the Roberts' bill.

In making its onslaught against Mr. Goebel, the committee declared that it was doing so in a non-partisan manner saying "it is no part of the work of this committee to try unnecessarily to break up party affiliation. With politics, as such, we, as a committee, have nothing to do. Our aim is to try to induce self-respecting men of all parties to rise above mere party politics when loyalty to moral principle requires it."

CHAPTER VII.

GOEBEL OPENS HIS CAMPAIGN.—The Speaking at Mayfield.—Goebel's Awkward Canvass.—A Faint.—Claim That Bryan's Success Is Involved.—Attack on the L. & N. Railroad.—Excuse for the Election Law.—Blackburn Declares Himself.

Blackburn and most of the minor nominees accompanied Mr. Goebel to the campaign opening at Mayfield, Graves county, on August 12. There had been surprise that Mr. Blackburn had taken up Mr. Goebel's cause, but it had become a settled fact that Mr. Blackburn would sink or swim with Mr. Goebel. Mayfield was the star democratic county in the first district. It was chosen for this reason for the inauguration of Mr. Goebel's canvass, and also because it was claimed that very many members of the party there were very unfavorable to Mr. Goebel and inclined to support the nominee of a new convention. It was announced and boasted that at Mayfield Mr. Goebel would receive a "frost" that would bring home to him just exactly the hopelessness of his candidacy.

There is no doubt that Mr. Goebel was fully prepared to meet as much opposition as had been predicted for his visit at Mayfield, and the preparations for the speaking were extraordinary. Bands and barbecues were provided, every democrat of any influence who could be induced to lend his presence was taken there. Judge Redwine was brought from his mountain home in Breathitt county, distant at least 400 miles by rail, to grace the occasion. Blackburn, however, was to be the main drawing card.

There was a crowd present so large as to allay greatly the fears of Mr. Goebel and his friends. However, it was a rather cold and curious crowd. Mr. Blackburn in his familiar manner was out bright and early mixing among the visitors from the surrounding country and enlivening the relations between the campaigners and the local democrats. Mr. Goebel was brought out and introduced to the hundreds that wanted to see him at close range. As a mixer, however, Mr. Goebel was a very poor hand. He had never been a politician to mingle in crowds and pass the stock pleasantries and compliments that politicians use. He had been more of the secluded, planning kind. He was a man of no personal attraction and of no easy manner except to those very inti-

mate with him. He bent himself to the work of shaking hands, however, and made a very labored effort to be at ease. He would give a short quick handshake, murmur "howdy do," and then wait coldly for the other man to say something. It was a very long morning for him. Over in another group would be Blackburn raising laughs and telling funny stories, and slapping men familiarly on the back. Under another tree was Judge Redwine employing a palm leaf fan and telling all about the convention in the earnest manner and injured tone that went farther than his explanations which, after all, explained very little.

When the speaking began, Mr. Goebel led off. He had not spoken more than 20 or 30 minutes when he dropped over on a table on the stand as if shot. It may be believed that there was commotion. Mr. Goebel was stretched out upon the table and his coat removed and restoratives applied. He was presently revived, but was unable to resume speaking at once. The severe heat had exhausted him and the prostration was only temporary, but the incident was by many superstitious people taken to be a very bad omen.

It had been forecast that Mr. Goebel's speech would be very spirited and very severe. He had maintained almost complete silence from the time of his nomination to the present, and had rested under the storm of criticism in doubtless great impatience.

In treating of the election law, which he first took up, he said that the republicans were seeking to divert attention from everything else by saying that the election law should be the chief issue. He declared that Gov. Bradley had asked amendments to the old election law, and while he had vetoed the present one had remarked that it was better than the old law, to which the republican platform demanded a return. The law had every qualification and safeguard that existed under the old law, asserted Mr. Goebel. It was true that in 1898 the republicans had denied these things, but the court of appeals in deciding a case to test the law decided that the law was what the democrats contended it should be.

Mr. Goebel then flayed democratic newspapers opposed to him, claiming that they were subsidized by corporations and controlled by republicans, and went out after several persons whom he mentioned by name. (Some of these newspapers had the silent satisfaction of keeping Mr. Goebel's speakers denying through the remainder of the campaign that a big dirk knife was exposed when Mr. Goebel's coat was removed after the fainting fit.) Mr. Goebel complimented Mr. Bryan and Mr. Blackburn highly, and said that this election was as much with them as candidates as himself. He attacked President Milton H. Smith,



MAKING A MONKEY OF HIM.
Louisville Times, September, 1899.



WILL KENTUCKY DESCEND TO THIS?
Louisville Dispatch, October, 1899.

of the L. & N. railroad, claiming that he was interesting himself and his road in the elections in Kentucky. Mr. Goebel denounced trusts and urged a local anti-trust bill. He also went into the discussion of the currency question at some length. He strongly advocated the McChord railroad bill and the Chinn school book bill.

Concluding he said: "The people of Kentucky are to determine this year whether next year Kentucky's vote will be counted as it is cast for Bryan and for the platform of 1896, or whether the theft of Kentucky's vote perpetrated in 1896 shall be repeated; whether another Deboe or some renegade democrat shall control the nation's financial policy; whether imperialism shall replace democracy; whether the L. & N. is the servant or the master of the people."

Mr. Blackburn in speaking urged the importance of national issues in the campaign. He praised Mr. Goebel highly. He touched lightly on the anti-Goebel democrats, but said, "God save us from bolters." He said he did not intend to abuse them, but if they insisted upon putting out another ticket the records of some of them would be shown up by 150 democratic orators. He recommended Mr. Goebel as absolutely without vices and blemish upon his public or private career. He also upheld the election law, saying it was a good democratic measure because the republicans were against it. Mr. Blackburn was quoted as having said in this speech:

"Let them win this fight in November (if God forgets to be gracious to us, and if a reign of devil on earth is to be inaugurated and Kentucky is to be doomed to four more years of republican incapacity and misrule); let them carry this state ticket and carry the legislature, and I will bet my hope of my soul's salvation against a counterfeit penny, that with the aid of a search warrant you can not find unburied on this earth a single solitary republican who would not jump in the river before he would vote to repeal the Goebel election law. I am for that Goebel election bill because I do not believe that under its operations there will ever be any more stealing of elections in the state of Kentucky; but if political thievery is to continue in Kentucky, in spite of the Goebel election law, I am willing to swear the other fellow will not do the stealing."

For the first six weeks of Mr. Goebel's campaign his workers were very busy taking a poll of the known democratic vote to ascertain the amount of disaffection existing. It was thought that this was found to show an alarming condition, but it did not cause Mr. Goebel to confirm an oft repeated rumor that he would withdraw his candidacy.

CHAPTER VIII.

BROWN NOMINATED.—No Contest.—“A Sacred Duty.” Questions for Bryan.—The Election Law and the Anglo-Saxon People.—A Different Platform.—Campaign Opening.—“The Philosophy of Bolting.”—Attacks on Brown.—Challenge for Division of Time.

Phil Thompson, sr., presided at the Lexington convention of the anti-Goebel democrats. The resolutions having been adopted, speeches were made by several persons, all of whom paid their respects to the Louisville convention. Nomination speeches were made by Theodore Hallam and W. C. Owens, and ex-Gov. Brown was brought forward without delay, being greeted with the enthusiasm that the large crowd came prepared to express.

After a few remarks commenting upon the Music hall convention, the nominations in which he said had been accomplished by fraud, ex-Gov. Brown said: “Are you ready to bow down to this in abject submission? Are you ready to surrender our birthright under the name of party regularity? Party regularity—it means fraud, usurpation, it means the coalition by judge and politician to hoodwink by the legerdemain of the political magicians the honored and honest yeomanry of this commonwealth.”

He said that they saw before them not a man with new catechisms nor one who had changed his coat. He loved this state and it was a sacred duty to save her from the impending degradation that it was proposed to put upon her. Bryan was coming, it was said. When he did come he would see that the question would be put to him if the undisputed history of the rulings of Chairman Redwine made a good title to a nomination.

“He won’t say it does,” continued Mr. Brown, “Bryan is a statesman. If he does not ask me when he comes, I will climb up on the stand and put this and other questions to him that I want him to answer not only before the democracy of Kentucky but before the world.”

The speaker pointed out his services in the cause of the Bryan democracy, saying he had sacrificed himself to make a hopeless race for congressman in Louisville in 1896 in order to strengthen Bryan’s cause. “Where was Goebel then?” he asked. As to the L. & N. railroad, under the influence of which it was claimed by

some he was, he said his record was against any belief of that charge. As governor he had taken an oath to protect the rights of citizens and all rights contained in contracts with the state. He would be a scoundrel not to do so. If corporations went behind the law, it was time to call a halt. He had defeated the attempted purchase of the Chesapeake & Ohio Southwestern railroad by the L. & N. railroad, by upholding the provision in the constitution denying the right of one railroad to absorb a parallel and competing road. He had to bring suit and take the case through to the supreme court to do it, but he had accomplished it. He would like to know whether Mr. Goebel had uttered a chirp against the L. & N. and in support of the state government's contention in that case.

He introduced his views of the election law very strongly and said: "The Anglo-Saxon people are sturdy stock. They are brave, honest, adventurous self-gods of creation. They are slow to anger. They do not listen patiently to rumors; but if you once get it rolled down into the heart of the Anglo-Saxon that a wrong has been done him, then you have a most troublesome citizen to meet. They bear patiently wrongs for years, but at last they awaken, and it seems that a multitude—a great multitude—are awakened to the rising of the morning sun, and then you begin to hear the low mutterings of the thunder and their murmurings. I tell you it means mischief to the man they suspect has done the wrong."

The election law, he said, was not home rule. He drew a vivid picture of its effects.

Further on in his speech he said: "I have a proposition to make and I make it deliberately. They say, 'Vote the ticket; if you don't we will lose a senator and we will lose Mr. Bryan.' Gentlemen, in 48 hours you can relieve the situation. Withdraw your fraudulent ticket, turn the question back to the people of Kentucky. Let them assemble in convention. I will not permit my name to go before the convention. Select a clean, honest ticket, and give us a united, harmonious democracy and one flag, and we will like a band of brothers go marching on linked arm in arm to victory against the common enemy. I have no ambition to serve."

In conclusion he stated that if the ticket made now at Lexington had to stand, the battle would be continued, and "if we go down we have nothing to regret."

The other places on the ticket were filled after Mr. Brown's nomination was made by acclamation. There were no contests for the places on the ticket. The convention, it was represented, had delegates from 108 of the 119 counties in the state. The

state committees were reorganized with W. H. Sweeney as chairman.

Besides Maj. P. P. Johnston, of Fayette county, for lieutenant governor, who was an ex-Confederate and noted as a breeder of fine horseflesh, other nominations were as follows: For attorney general, L. P. Tanner, of Daviess county; for auditor, Frank Pasteur, of Caldwell county, an ex-Confederate veteran; for secretary of state, Capt. E. L. Hines, of Warren county, an ex-Confederate veteran; for treasurer, John Droege, of Kenton county, a German citizen of some means; for superintendent of public instruction, Rev. E. O. Guerrant, of Jackson county, an ex-Confederate and a Presbyterian minister; for commissioner of agriculture, G. H. Vandever, of Lincoln county. It seemed to be the purpose to put as many veterans of the "lost cause" on the ticket as possible to cater to that element in the democratic party. The Rev. Guerrant withdrew from the ticket in a few days and was succeeded by the Rev. G. C. Overstreet, of Spencer county.

The platform contained the following sections:

"We declare that during the recent convention of the democrats of Kentucky in Louisville, by reason of the autocratic, unlawful and unprecedented rulings of its chairman, aided by the intervention of armed police, and the fraud, deception, and trickery of the person who dictated and controlled his rulings and dominated the proceedings of said convention, one-third of the democrats of Kentucky were disfranchised, the will of the majority of its members ignored, and persons not the choice of the democrats of Kentucky, have been set up as the democratic nominees for the various state offices.

"We denounce in the most unreserved manner the amendment to the state election law, known as the Goebel bill, believing and charging it to be a wilful abandonment of the great fundamental principles of self-government, enacted solely for the establishment and perpetuation of machine parties in this free commonwealth, in form, feature and intendment. It is a distinct recognition of the republican doctrine of concentrated and centralized power, a doctrine which the democratic party has opposed from the very hour of its creation."

Also included in the platform was a section calling for enforcement of a constitutional provision calling for measures to deprive of office such persons who, to secure their nomination or election had been guilty of fraud, intimidation, bribery or corrupt practices; one favoring the regulation of railroads so that extortion and excessive charges may be prevented; a section for an amendment to the common school law as will secure full, free and open competition in the sale of school books; one condemning the

president for his attitude toward trusts, and one condemning the republican state administration.

The Brown-Johnston organization met and selected a campaign committee and made local organizations. Maj. P. P. Johnston was elected chairman of the campaign committee. Other members were John W. Green, G. M. Adams, John C. Droege and E. P. Millet.

* * *

Ex-Gov. Brown had not been in possession of his nomination long before he found himself occupied with attacks from the Goebel people. Someone came up with an affidavit that he was present at an interview between R. F. Peak and ex-Gov. Brown a few days after the Music hall convention and heard the latter admit that he sought the nomination in that convention and had an ambition to succeed Senator Deboe, and also that he was going to make speeches for the ticket. Ex-Gov. Brown replied that he had been correctly quoted about desiring the senatorship, but that he had not promised to speak for the ticket. He had only said that if he would speak he would not do so before late in the fall. He filed correspondence with Mr. Peak to bear out his statement.

* * *

The Brown campaign opened formally at Bowling Green on August 26 with a speech by ex-Gov. Brown. He had a large crowd, although it did not compare with the attendance at the opening speeches of either Goebel or Taylor. The attendance, too, was more mixed. In the audience a petition was circulated asking the withdrawal of Mr. Goebel for the sake of party harmony. It was not heard of again and does not seem to have been offered to Mr. Goebel or the organization.

By this time ex-Gov. Brown had a good many things to answer, as Mr. Goebel and Mr. Blackburn had been saying things about him. One was the claim that was made by Mr. Goebel that Brown had sought to enter the contest in the Music hall convention, and with the comment that if the convention was good enough to nominate Brown, it was good enough to nominate the man it did nominate. In reply to this Mr. Brown said that he had agreed, when solicited by friends of Mr. Goebel, to accept the nomination of the convention, but had stipulated that it must be given him by a clean vote. He said Mr. Goebel's nomination had been accomplished by the use of fraud, and Mr. Goebel was therefore the beneficiary of fraud and his nomination invalid. Mr. Brown said there were 322 votes contested in that convention, but there were 770 votes remaining that were not contested, and that anyone that would have

been nominated by those votes would have had as valid a title as ever a candidate had.

A reply to Blackburn also had to be made, Mr. Blackburn having called Mr. Brown a bolter because the latter had supported Stephen A. Douglas as against John C. Breckinridge in 1860. For a good part of the campaign Mr. Brown and Mr. Blackburn debated at long distance the question whether the Breckinridge convention or the Douglas convention was the bolting one.

Coming back to the convention Mr. Brown asked if Mr. Goebel would read the written agreement with Capt. W. J. Stone, some of the crowd cried "Yes" and others cried "No." Mr. Brown declared that he was engaged in no wild hunt for office but was battling for a representative government and fairness. Both of these things, he said, were denied by the Music hall convention and by the Goebel law. The people could not en masse administer government, but had to select representatives to handle affairs for them. When they were denied the privilege of naming the persons they wanted, it was time to take steps to defeat those opposed to the privilege.

Mr. Bryan, Mr. Brown said, was at one time editor of the Omaha World-Herald, and the World-Herald held that the individual member of a party at all times reserves the right to vote against the nominee of a party and abandon his party whenever in his judgment an unfit candidate is nominated. The right to bolt or abandon is essential unless a man is to become a mere machine and the party an omnipotent machine, it held.

* * *

Ex-Gov. Brown uttered a challenge for joint debate in a speech at Madisonville, after Mr. Goebel's Bowling Green speech. At the latter place Mr. Goebel had said, "I wish I had him here today," referring to Brown. Mr. Brown took occasion to say that he challenges Mr. Goebel or Mr. Blackburn to a division of time for four, six, eight, ten or twelve appointments when he would discuss the issues to the front at short range. Mr. Brown said he was dodging nothing. He would never be a candidate for anything again. At this speaking Mr. Brown said it was almost incredible that Mr. Bryan was coming to Kentucky, but if he did come Mr. Bryan would have to answer some questions that would be short, brief and to the point.

CHAPTER IX.

REPUBLICAN CAMPAIGN OPENS.—Strong Election Law Issue.—“To Make Possible Is to License.”—In the Mountains.—“Rise and Strike.”—“Breaking in” Marshall.—Future a Problem to Mr. Taylor.

“That is a machine-made nomination, too,” said the democratic spokesmen of the republican nominations. The sublimely harmonious convention of the republicans was, to say the least, irritating after so much unfavorable comment had been made upon the democratic affair. The republicans said their nominations were not machine-made and paid very little attention to such criticism.

Mr. Taylor did not prove to be in any haste to open his campaign. His campaign committee was formed, with State Treasurer George W. Long, of Leitchfield, at the head of it. The other members were Congressman Sam J. Pugh, of the ninth district, and James F. Buckner, of Louisville. Headquarters were established at Louisville in the Galt house. Nearly all the republican nominees were qualified to go on the stump and they arranged to do so. It was decided that no speakers from outside the state would be secured to aid in the campaign. This was laid down as an iron-clad rule at the beginning and announced immediately after it had been boasted by Senator Goebel that he would have Bryan, and a great many others to assist him in his canvass. Mr. Taylor said that he would make his campaign on local issues alone, and never deviated from this rule. The barest reference was made in the republican speeches throughout the whole campaign to national matters and most attention given to Mr. Goebel's election law.

Mr. Taylor opened his campaign in the republican stronghold, the eleventh district. He spoke at London on August 22, the crowd being naturally very large. He was given a cordial welcome, and although a western Kentucky man, he was listened to with respect, arousing about as much outward enthusiasm as the mountain people are in the habit of displaying. There was a band, and what is termed in that section of the state a “picnic.” Everyone from the surrounding country for miles and miles came in on horseback. They rode in very early in the morning to escape the heat of the sun's direct rays, picketed their horses

under the trees at the fair grounds, and engaged in simple amusements until the speaking was to commence. It was an inspiring sight to see several thousand saddle horses tied along the long fences and in the grove, and a crowd of about 10,000 people disposed comfortably in the shade of pine and cedar, only a subdued hum of conversation being heard. A great many sat up in the plain frame stand listening to band music that burst out occasionally on the lazy summer air. So early was the crowd waiting expectantly, that speakers had to be hurried out from town as early as 9 o'clock to entertain the crowd until the hour appointed for Mr. Taylor's appearance. He had not spent the night at London but came on from Richmond on a special train, alighting at the fair grounds. He walked through the great crowd almost unnoticed and was introduced from the stand.

Mr. Taylor's London speech was a very long one. His speeches throughout the campaign averaged an hour and thirty minutes in delivery. He went into a review of the republican state administration and dwelt upon it at some length, as it was part of his campaign to hold this up as evidence of what could be expected of his ticket if it were elected.

The crowning act of infamy of the democratic legislature to which had been applied the term, "a vicious body of deformed democrats and degenerate Americans," he said, was the Goebel election law. He described the law and discussed its provisions, and showed instances where unfair operation had been exposed. "When a law fails to provide against inequalities and wrong, it is equivalent to a direction to do wrong," he said. "To make possible is to license." He pointed out how the legislature had quickly availed itself of the license of the law by appointing three democrats to the state board who had made 119 county boards with a partisan majority on each. He then offered individual examples of abuses.

Mr. Taylor denied the statement, which Gov. Bradley had already done, that Gov. Bradley had declared the new law better than the old law. He also denied the charges of fraud in republican districts in 1896. These, even if true, would not justify the new election law, but they were not true. He said that the county judges appointed election officers in 1895 when the republicans carried the state by over 9,000; in 1896 when the republicans again carried the state, and in 1897 when the democrats carried the state by 18,000. He said also that the increase of the republican vote in 1896 over 1895 was only 26 per cent. in the state, and the increase in the democratic vote was 32 per cent. Then he compared the large increase of the republican majority in the eleventh district with the increase of the democratic

majority in the first district to show that the democratic increase had been larger. This was intended to show that the democratic vote was open to more suspicion of padding than the republican vote, and that therefore there was not the shadow of a pretext for the adoption of the Goebel election law.

"Fellow citizens, to the overthrow of this unspeakable wrong, to the restoration to the people of this most sacred right I pledge all the energies of my life—whatever of brain and heart I may possess I consecrate to these great ends. All other issues beside this dwarf and dwindle into insignificance. It is not a question of parties; it is not a question of men; but it is a question of whether we shall longer exist as a free people. The republican party stands pledged to the repeal of that measure. In this great struggle not a vote should be lost. Let us make a common cause; let us stand together today. The issue is not 1900; it is 1899. If we agree this year and throw off the yoke of tyranny, we can well afford to disagree next year. For the courageous, intelligent men of Kentucky I need give but this counsel—do your duty; rouse and strike; your only weapons are your ballots of which your enemies would rob you. Organize for a fair election. Everywhere demand it; and by the strength of might and overwhelming numbers see to it that it is recorded. This is your only salvation. If it fail you, then the deadly coils of tyranny will tighten about you and crush to death your political liberties."

Mr. Marshall, the nominee for lieutenant governor, also opened the campaign at London with Mr. Taylor afterward accompanying Mr. Taylor on a tour of the mountain county seats, to be "broken in," as he expressed it. The trip had that result. Some of the jumps had to be made by wagon over many miles of bad roads. One place had to be reached by a detour into Virginia.

Senator Deboe and many other prominent men in the party were at the speaking and were entertained by Capt. Ed Parker, who had acted as master of ceremonies and had distributed thousands of small American flags among the people as they passed through the town on the way to the fair grounds.

That night, while the others sat on the lawn in front of Capt. Parker's hospitable home, listening to music and chatting on general topics, Mr. Taylor sat for several hours in the gloom, wrapped in deep thought as if trying to read the blank future.

CHAPTER X.

"I ASK NO QUARTER AND I FEAR NO FOE."—Goebel Responds Fiercely to Hostile Democrats.—Discussion Concerning Hallam's Brother.—Some Bitter Replies.—The Kerfoot Episode.—Democrats Doing the Fighting.—Republicans in the Background.—Goebel After the Negro Vote.

When Mr. Goebel spoke at Bowling Green, shortly after ex-Gov. Brown had opened his campaign there, he delivered a speech that was most offensive to the democrats who opposed him. When Mr. Goebel appeared there he seemed determined to either lash the anti-Goebel democrats back into the ranks of the party as fixed by the Music hall convention, or to drive them into the ranks of the republican party. At least, his remarks had no half-way ring in them.

"I ask no quarter, and I fear no foe," he said. Then he took up one by one all of those who had lifted their voices against him. Of Theodore Hallam, whom he charged with dragging into the campaign members of his family, he said: "He says I have not changed in my appearance for 20 years. I can't say as much for him. If I had been a drunkard and debauchee I too would have changed and had a face similar to a piece of cancerous beefsteak. He may talk about my brothers, but I never had one in the penitentiary, and that is more than he can say for himself."

He attacked W. C. Owens, saying he had done what he could to make it a felony to run a faro bank or roulette table and gambling devices and therefore he "interfered with Owens' regular business." "Of course he does not like it," said Mr. Goebel. He attacked Harvey Myers, W. C. P. Breckinridge and others and paid his respects to the L. & N. railroad and all connected with it unsparingly.

* * *

Hallam answered that he did have a brother in prison, and that his brother was in a military prison in Illinois after being taken a prisoner of war while fighting for the Confederate army, and he was proud of it. He also said that he knew of no brother of Mr. Goebel in the penitentiary but thought Mr. Goebel's brothers had a brother who ought to be in the penitentiary.

When Mr. Goebel in his round of the state got to Henderson his remarks at a meeting there were interrupted by a man who asked him to which of the Hallams he referred as being in prison.

Mr. Goebel responded that the brother he meant was not the one who was in the Confederate army, but Hallam had a brother who was not in the Confederate army and it was that brother who was in the penitentiary. Mr. Goebel added that he did not mean to abuse any Confederate soldier, as he thought too much of them.

The statement that a Hallam was in prison was still vigorously denied by Theodore Hallam, and the anti-Goebel democratic press crowded Mr. Goebel still closer to make good his words or stand confessed a falsifier. After a time Mr. Goebel produced papers and affidavits which he thought would settle the matter. He had sent down to New Orleans to secure copies of records, and presented them in the course of one of his speeches. These papers went to show substantially that one James H. Hallum had been arrested in New Orleans in 1869 for the theft of some law books and sent to the parish prison for four months. Mr. Goebel said that this was a brother of Hallam, one who had been missing for a long time.

Mr. Goebel's efforts to show that the person arrested in New Orleans was a brother of Theodore Hallam, was sought to be discredited by affidavits from New Orleans persons describing the prisoner. Theodore Hallam said that the James H. Hallum convicted in New Orleans was evidently not his lost brother, James R. Hallam, because of the dissimilarity in the names and appearance. Besides, he said, Mr. Goebel had started out by saying that the Hallam he meant had been confined in the penitentiary.

* * *

Mr. Owens, in his speeches, when he took the stump, explaining why he opposed Mr. Goebel, said he did so because Mr. Goebel "had violated the three Christian precepts, 'Thou shalt not lie, 'Thou shalt not steal' and 'Thou shalt not kill.'" He defended himself sharply against the accusations by Mr. Goebel.

* * *

The full details of Mr. Goebel's encounter with Mr. Sandford were aired in the campaign. Many of Mr. Goebel's speakers replied to these, but Mr. Goebel did not enter into the subject, nor did Blackburn. The attacks on Mr. Goebel in this matter were based on the claim that Mr. Goebel deliberately provoked the encounter by writing the offensive article about Mr. Sandford and securing its publication. What purported to be a fac-

simile of Mr. Goebel's handwriting in the very article in question, was published. An editor of a paper who had rejected the manuscript made affidavit that he had told Mr. Goebel that the publication of the matter would cause trouble. "That's what I want," Mr. Goebel is said to have responded. Along this line, the charge was made that political influence had much to do with his immunity from indictment. It was said that when walking toward Mr. Sandford on the street, Mr. Goebel had his overcoat over his left arm and a pistol placed in one pocket in close reach of his right hand. Doubt was thrown upon the version that Mr. Sandford fired first.

* * *

Besides speaking of ex-Gov. Brown, who was able to make only one speech a week on account of his age and physical condition, the Brown ticket put out other speakers. It sought to put out only speakers who had a clear record on the currency question, that is, men who were known to be for the silver plank in 1896 and who were supporters of Bryan. Major Johnson did not make any speeches, but in September assumed active charge of the campaign.

The challenge by ex-Gov. Brown for a division of time with Goebel was never heeded. It was ignored by Mr. Goebel and all the other speakers in his train. At every place they spoke, the Brown spell-binders would call attention to this and comment upon it sharply. For a good many weeks the Brown democrats and Goebel democrats were doing all the fighting against each other and paying very little attention to the republicans.

* * *

The Brown organization put out no candidates for the legislature except in Louisville, where it put out a complete local ticket. In other parts of the state it made no effort to do this, but some of the early nominees for the legislature were understood to be anti-Goebel men. Besides these the Brown people boasted of two or three hold-over senators.

* * *

Mr. Goebel said at Harrodsburg: "I am not entitled to the vote of any man who does not favor the Goebel election law.

At London, Mr. Taylor said: "I will be as liberal as Mr. Goebel. I do not want the vote of any man who is in favor of his election law."

* * *

The interdenominational temperance committee's appeal was productive of much feeling among the confirmed followers of Mr. Goebel. At a meeting of a Baptist association at Shelbyville, Dr. F. H. Kerfoot, chairman of the committee, undertook

to address the meeting on this report, which action drew from the Shelbyville Sentinel, conducted by one of Mr. Goebel's close personal friends, a severe criticism of Dr. Kerfoot, who was referred to as a "cancerous sore upon the religious body" and other things that caused the divine to enter suit for \$25,000 damages. The effect of the attack was to secure an agitation of great intensity for the Kerfoot incident. It came in a session of Baptist association meetings in Kentucky and neighboring states and every one of them took action on the matter. Soon Mr. Goebel was placed in an attitude more strained with the religious element than the mere temperance report could have put him.

✦ ✦ ✦

All through their canvas the Brown men had to contend with the stigma of "bolter" put on them by the Goebel speakers and press. They were put to great pains to nullify this, but never succeeded to complete satisfaction. One Goebel orator traveled through the towns with what he termed an object lesson. He said: "These Brown men are not democrats. They are Taylor men. They are out working for Taylor. If they get you to pledge yourself for Brown they mark you down as a vote gained for Taylor. They are republicans, as I will proceed to show you." Then he would take up a Brown button, which was nothing more than an ordinary lapel button covered with brown leatherette as a play on ex-Gov. Brown's name. With a penknife the speaker would scrape off the brown covering and expose underneath it the picture of Mr. Taylor. This little contrivance always brought a laugh at the expense of the Brown movement.

Another trick complained of by the Brown people was that partisan reports of speakings at which Mr. Goebel and Senator Blackburn were the orators, would describe a great revulsion of feeling among Brown men in the audience, who were described as snatching the Brown buttons from their coats. "After the meeting 43 Brown buttons were picked up in a radius of fifteen feet from the stand," the report would wind up. This was explained by the Brown people as being contrived by a sly fellow who would sow a handful of Brown buttons under the feet of the audience while the speaking was in progress.

✦ ✦ ✦

In his race for the nomination for governor, Gen. Hardin had out a poster with three pictures on it. One was the picture of W. J. Bryan, another that of Blackburn and the third of himself. Under these were inscribed the words: "Together in defeat; together in victory," the reference being to the almost simultaneous defeat of the three for president, United States sen-



THE LATEST KENTUCKY FEUD.
Bryan—"Really, this is most embarrassing. Those fellows may be shooting at each other, but if they don't look out they'll hit me."
Minneapolis Journal, August 2, 1899.



GREAT DAYS FOR POLITICAL GRAFTERS.
Louisville Times, September, 1899.

ator and governor respectively, and to their candidacy again. There were Goebel buttons put out for the campaign bearing a picture of Mr. Goebel, but there was one special design that aroused amused comment. This button bore the faces of Bryan, Blackburn and Goebel, the amusement following from a comparison with the Hardin poster of the spring.

* * *

Col. John W. Caldwell, who represented the third district in congress and commanded a regiment in the Orphan Brigade in the civil war, early went after Mr. Goebel with an open letter in which he said: "I desire to ask you if a republican legislature had placed the Goebel election law on the statute books of Kentucky, whether or not there is one democrat of your acquaintance in the state with local, state, or national reputation, who would not have declared the bill infamous in its purposes and dangerous to a free ballot and a fair count of the vote of the people of the state?"

* * *

Mr. Goebel made a determined effort to make inroads upon the republican vote in reprisal for the pleas made to democrats to vote for Taylor. In the republican state convention behind the scenes there had been no little difficulty in placating the colored people, who had consistently supported the party in Kentucky since the war. The negro leaders had a few little grievances against Mr. Taylor that they urged against his nomination. One was that he had been opposed to the selection of the colored delegate to the national convention in 1896, and the other was that he was favorable to the separate coach law enacted by a democratic legislature. Mr. Taylor seemed threatened with great apathy among the colored voters, who, while they accepted him, were not at all enthusiastic for him. Agents of Mr. Goebel soon made overtures to leaders among the negroes and the regulation democratic cry of "negro domination" was cut out of his campaign, and in fact never introduced except by one or two minor speakers in some remote neighborhood, where race feeling was strong. When Mr. Taylor had finished his eastern Kentucky tour, he found that Mr. Goebel had been talking separate coach law in western Kentucky and preaching a modification of the law that was not dangerous for Mr. Goebel, but a very delicate thing for Mr. Taylor to handle. Mr. Goebel said that he would favor an amendment by which the railroads would have to put on a whole car for the colored people instead of dividing a car into half "Jim Crow" and half smoking car. However, in a final statement Mr. Goebel said he was in favor

of the measure and would not vote for its repeal. After a time a conference of negro ministers from all over the state decided that they would reject Mr. Goebel, and so announced.

* * *

No speaker was more effective in his treatment of the subjects and in delivery than the preacher candidate, Rev. John S. Sweeney. He was known as a pulpit orator long before he was ever inveigled into politics. His style, while refined, was familiar: He would tell of the first political speech he ever heard. It was made by John J. Crittenden. The first sentence was: "Fellow citizens, our party spirit sometimes almost overrules our patriotism." He thought if Crittenden could rise from the grave now he could state the case even more strongly than that.

This is how he would debate with an audience:

"That law," said he, "has already disrupted the democratic party, hasn't it? That is the principle applied down there at the Louisville convention. And I'm mighty glad they tried it on the democrats first. It has already disrupted the democratic party and I believe that if it is not repealed it will wreck this grand old commonwealth."

"We'll repeal it!" cried one of Rev. Sweeney's auditors.

"The question is," continued the latter, "whether the will of the people is to be defeated?"

"No!" cried another of his enthusiastic hearers.

"Well, it was in the Louisville convention."

He was good at repartee. When speaking at Owensboro, the home of Capt. Ellis, one of the state election commissioners, Capt. Ellis, who was an old friend, approached him, and to open the conversation asked playfully, "Elder, can you tell me whether if a man dies he will live again?"

"Yes," answered Elder Sweeney, after eyeing him a moment. "But some of these men that are politically dead will never live again. You'd better watch out."

* * *

With probably the intention of filling in his canvas with a democrat of national prominence during the suspense of waiting for Mr. Bryan to pay his deferred visit, Mr. Goebel secured the attendance of ex-Gov. W. J. Stone, of Missouri, whose close connection with the national party organization made him a valuable pleader about this time. Mr. Stone accompanied Mr. Goebel to three places in the middle of September, making his first speech at Richmond on the 12th.

It was plain to see that Mr. Stone was inclined to wash his hands completely of the local issues, and he handled the Goebel

election law in a gingerly manner that gave the opposition something to comment upon. Mr. Stone said: "I know little of the Goebel law except that it was passed over the veto of a republican governor and the democratic party is therefore responsible for it. If it is a bad law let it be repealed, and if repealed, let it be by a democratic rather than a republican legislature."



CHAPTER XI.

MANIFESTATIONS BY THE ELECTION MACHINERY.—Republicans Again Given Minority Representation.—Phil Thompson, Sr.'s, Attack on the Election Law.—Bitter Complaints of Wrongs by Goebel's County Commissioners.—Goebel's Fealty to Bryan, Blackburn and Silver Severely Questioned.—Dispute With Carlisle.—Bronston Feels Horrified.

As September approached the state election board received attention. This was the month in which new appointments were to be made on the county boards. It was predicted by those who questioned the intention to hold a fair election, that there would be a very radical change in the personnel of the local boards. The people in each county were curious to know who would succeed their old commissioners. The commissioners for the first year of the operation of the law had given general satisfaction aside from the distrust of their latent power. In 1898 the republicans had been requested to nominate some one in each county for commissioner. This year no such request came from the state board, and the republicans did not wait upon any, for fear that they would be denied even a minority representation in default of making nominations. In each county two names were offered and sent to the state board, but with not the remotest idea that both would be appointed. Chairman W. S. Pryor of the state board, upon being questioned, said that the board would not recognize Brown democrats with appointments. The board met on September 22 and appointed commissioners in 71 counties, and after that filled the other boards in a more leisurely manner. In a few cases old commissioners were reappointed but the rule was to give a new deal. The board did not appoint either one of the men whose names had been sent up by the republicans from Louisville but selected Judge John W. Barr, lately retired from the bench of the federal court. This appointment was however agreeable to the republicans. Judge Barr was averse to accepting the appointment but did so. The two other commissioners were Asher G. Caruth and Fred Hoertz, democrats. Mr. Caruth was formerly congressman from the fifth district. Mr. Hoertz was a contractor. Two democrats and one republican composed each board in the state.

Phil Thompson, sr., of Harrodsburg, at this time presented a new question against the Goebel election law. The point he made was that it was invalid upon the ground that it had not been adopted in the same shape in the house as in the senate. It was proposed to attack the validity of the law upon these grounds by a test case in the court of appeals, but the plan was abandoned. Judge Pryor claimed that there was no merit in the contention because even if the law had been adopted in this shape the judgment of the court of appeals fixing the law as valid removed this question.

No sooner had the Fayette county commissioners been elected than the two democrats drove out into the country, notified the republican of his appointment and went into a meeting upon the spot to appoint officers for the registration. The republican appointee was wholly unprepared on such short notice to transact business and the two democratic members appointed a full list of officers for the registration without consulting the republican organization.

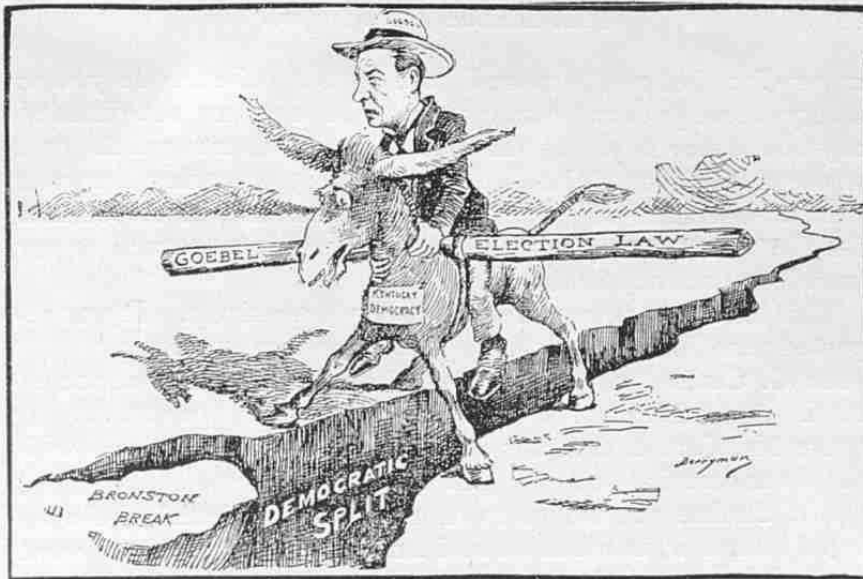
The organization at once made a very strong complaint, saying that aged, blind and infirm men had been appointed by the board as republican election officers. There was much agitation over this, but it was followed soon with complaints all over the state of similar action by the election boards. The democratic majority ignored republican nominations for election officers, and appointed persons who were declared to be either incompetent or hostile to the republican interests as the republican allotment. In no case was a complaint made by the democratic organization, which was permitted to select its election officers at pleasure. An appeal of the most pressing nature was made to the state board in the Fayette county matter, but the state board refused to interfere.

The registration passed off tamely enough, and then every one "took a brace" for election machinery manifestations in the election.

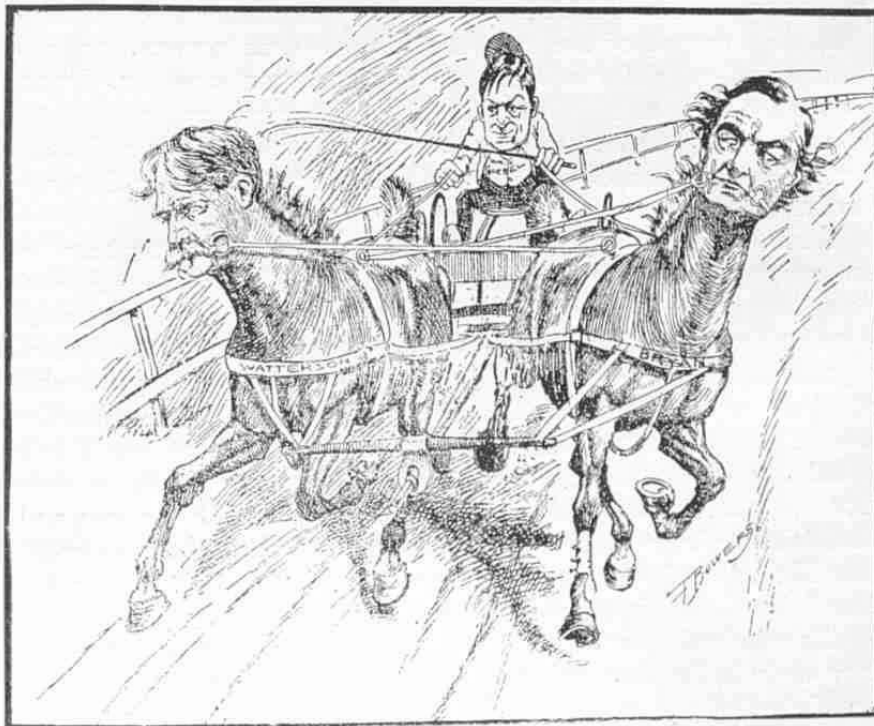
The impartiality of the state board was questioned. Chairman Pryor predicted a majority of 25,000 for Mr. Goebel, it was claimed, and made a speech or two in his behalf. Mr. Poyntz was reported to have a bet on the election of Mr. Goebel. Capt. Ellis made a speech for Mr. Goebel.

* * *

For a month before the arrival of Mr. Bryan in Kentucky, Mr. Goebel was "touched up" with persistent questions of his claims to a bona fide silver record in 1896. His attacks on August Belmont brought from him a letter in which he said to Mr. Goebel in conclusion: "Independently of this, your candidacy has



KENTUCKY SITUATION TO DATE.
 Washington Post, October 11, 1899.



THE KENTUCKY POLITICAL SITUATION
 Washington Post, October 19, 1899.

never disturbed me, because I have always looked upon you as a very thorough sound money man. I believe I am not violating any confidence in saying that I have seen letters which you wrote to the Hon. John G. Carlisle in 1896 showing that you were co-operating with him to carry Kenton and other counties for the sound money cause; and you exerted yourself to my knowledge actively in that direction."

This letter was commented upon very extensively. It was reported that Mr. Goebel had actually been in conference with John G. Carlisle in Washington before the state convention of 1896. A Washington newspaper printed what purported to quote Mr. Carlisle that this conference had nothing to do with the silver question but with local matters only.

Mr. Carlisle was moved to furnish a signed denial of the alleged interview, in which he said that it was incorrect, and went on to say that Mr. Goebel had sought a conference with him in 1896 and that Mr. Goebel's principal purpose was to secure a sound money delegation from Kenton county to the state convention which was to be held soon thereafter at Lexington. Mr. Carlisle said he had no other interest in the matter and had taken no action except such as Mr. Goebel had represented to be necessary to secure the selection of a sound money delegation.

As the record of the delegation in the state convention was that it had voted for a silver man for chairman, and Mr. Bryan had held up Mr. Goebel's record on the currency question as flawless, there appeared to be a conflict of memory or a change in the complexion of the delegation in transit between Covington and Lexington.

Mr. Goebel in several speeches flatly denied having been in correspondence with anyone to "send a gold-bug delegation to the Chicago convention." He said he went to the state convention at the head of an uninstructed delegation from the home of "John G. Carlisle, candidate for president," and cast his vote and that of the delegation for Charles J. Bronston for chairman, the free silver candidate, and against Alex P. Humphrey the single gold standard candidate, and that his delegation "cast its vote for the platform there adopted, which declared for the free and unlimited coinage of silver at the ratio of 16 to 1, and instructed the Kentucky delegation at Chicago to cast Kentucky's vote not for John G. Carlisle but for Joseph C. S. Blackburn."

This and other statements by Mr. Goebel were given as a reason early in October by Mr. Carlisle, for assuming that Mr. Goebel intended the people of Kentucky to understand that he was not co-operating with Mr. Carlisle in support of the gold standard in 1896 and that Mr. Carlisle's denial of the alleged Wash-

ington interview was not to be accepted as true. To destroy the impression that he believed Mr. Goebel was seeking to make at his expense, Mr. Carlisle made public a letter written to him in 1896 and dated May 23. In this letter Mr. Goebel discusses the plans for sending to the state convention with Mr. Carlisle's assistance a delegation opposed to a rival one headed by Harvey Myers, whose delegates he says would be instructed for silver, Blackburn and Hardin. Mr. Carlisle also said that he was not a candidate for president in 1896 and that his belief was that he had not told Mr. Goebel anything to the contrary.

Mr. Goebel's letter, Mr. Carlisle said, showed that the efforts made in his behalf had been successful, and as now Mr. Goebel was publicly proclaiming that his first act was to cast the entire vote of the delegation for the free silver candidate for chairman and his last act to cast the vote for a free silver platform, he left it to honorable gentlemen everywhere to draw their own conclusion as to the propriety and good faith of Mr. Goebel's conduct.

This came after Mr. Goebel had denounced as untrue the accusation made by August Belmont that he was committed to the gold cause in 1896. Mr. Goebel frequently said that he was proud to have incurred the enmity of Mr. Belmont and Mr. Carlisle. He said the attempt by Belmont and Carlisle to fix upon him activity for the gold standard in the last presidential year to be only a scheme to destroy him with the silver people.

At a speech at Hartford Mr. Goebel sought to speak in reply to Mr. Carlisle's elaborate statement of the case and his own letter of June 23, 1896. He said that the so-called notice of success sent to Mr. Carlisle in that letter was nothing of the kind as his Kenton county organization had its credentials six months before the alleged conference and that he did not need any assistance in that direction. He also denied abuse of faith in voting his delegates at Lexington for free silver and Blackburn, as other persons had insisted upon naming as delegates some personal enemies, one a bolter, and a breach occurred. He had told Blackburn in the beginning that he would let Carlisle have his home county on account of deep personal obligation to him. In connection with this Mr. Goebel declared that John Young Brown had declared for Carlisle as president.

* * *

C. J. Bronston had gone to Europe after the Louisville convention, had returned at about the end of October and offered his services to the Goebel campaign committee as a speaker. It is stated that no reply was ever given him to his offer, but when Mr. Bronston read up on the Carlisle controversy he sent in a

letter to Chairman Blackburn asking that his name be withdrawn from the list of speakers immediately. Mr. Bronston said in his letter:

"Recalling, as I do, the memorable contest in the general assembly of Kentucky in the spring of 1896, and especially the treachery to you and through you, the party which had chosen you as its candidate, of Mr. Carlisle and his followers, I am simply horrified at being forced to know that Mr. Goebel, with whom I was so intimately and constantly associated, was then harboring the intent, immediately upon the adjournment of the legislature, and while your race was still pending and the cause for which we were so desperately fighting, was still held in the balance, to at once rush into the arms of his bitterest foe and unite with him in making your success and the principles embodied in your race impossible."

Mr. Bronston added that the party organization ought to take Mr. Goebel's name from the head of the ticket at once and replace it with that of "an honest democrat and true man."

Senator Blackburn did not take this view of the matter. At any rate he was not heard from on it. All of this took place before Mr. Bryan entered the state on his tour.



CHAPTER XII.

BRYAN IN KENTUCKY.—Declares for Goebel.—Glad He Came.—Stone and Goebel Meet, But Do Not See Each Other.—Bryan on the Responsibility Upon Bolters.—Hardin Given a Kind Word.—The Barbecue at Louisville.—Brown's Questions to the Nebraskan.—“Was Not Such a Contract Fraudulent?”—“Do You Indorse the Goebel Election Law?”—Bryan's Statements in Response.—Lexington Convention Snubbed.—Goebel Asks a Few Questions.—A Bitter Speech.—“Au Revoir.”

Mr. Bryan began his three days' tour of Kentucky on Monday morning, October 16. Starting at Bardwell, opposite Cairo, on the Mississippi river, his first day was spent on a fast-flying special train through Western and Southern Kentucky, he making ten speeches to crowds aggregating 40,000, claimed by the democratic papers, and 25,000 according to the republican press. Besides Nominee Goebel, Mr. Bryan was accompanied by many prominent Kentucky democrats.

Speculation had been rife for weeks before the Nebraska leader's visit as to the stand he would really take on the two democratic tickets. Both wings of the party reaffirmed the Chicago platform and indorsed Mr. Bryan for president. He had been made acquainted with all the details of the Music hall convention, where Mr. Goebel secured his nomination; with all the subsequent events leading up to the Lexington meeting, which put in the field ex-Gov. John Young Brown.

Within a few minutes of the opening of his first address at Bardwell, Mr. Bryan said: “I want to see the Goebel ticket elected. I want to see every man on the Goebel ticket elected, and I want to see Jo Blackburn sent back to the senate.” The crowd cheered enthusiastically and the democrats on the train gave a sigh of relief, for Mr. Bryan had indicated to no one exactly what ground he would take, what horn of the dilemma he would grasp. The Goebel men admitted that the chief aim of Mr. Bryan's visit was to bring out the party vote, and they were reassured.

Mr. Bryan began his Bardwell speech by referring to the fact that Kentucky did not do very much for the democratic nominee in 1895, and he hoped for better results in 1900. He

said defeat of the democratic ticket in '99 meant more difficulty in carrying the state in the presidential election. He then branched out into national issues and expounded his views on the money question, the attempt to increase the standing army, the war in the Philippines, the trusts, etc. At the conclusion Mr. Goebel was called and gave briefly an outline of his fight on one of the leading corporations of the state. He said:

"I have no doubt that if in the Louisville convention I had permitted Mr. Milton H. Smith and Mr. August Belmont to run the Louisville & Nashville political locomotive engine over me, in their judgment I would be an entirely proper person, not only to be the governor of Kentucky, but to hold any other place within the gift of the people. But I did not see fit to do that. It has not been my custom to permit anything to run over me, and you can depend upon it that I shall not permit the Louisville & Nashville locomotive engine to run over me on the 7th day of next November."

A short stop was next made at Fulton, Mr. Goebel's remarks to the effect that Mr. Bryan would get a majority in Kentucky in 1900, and they would be counted for him, creating the only stir at that point.

At Mayfield, the home of Gus Coulter, the democratic candidate for auditor, Mr. Bryan warmed up to the occasion somewhat by saying:

"I am glad to come to Kentucky. I do not feel that any apology is necessary for coming to Kentucky. This is but a skirmish of the battle of 1900. The bigger the majority here this fall the better will be our chances in this state in 1900. We are going to have a great contest in 1900. You thought we had a big contest in 1896, but the contest in 1900 will stir the hearts of the American people even more deeply than did the contest of three years ago. Three years ago we began the battle. It was Bunker Hill in 1896; it will be Yorktown in 1900."

Mr. Bryan next appealed to the populists to stand with the Goebel democrats. He followed this with a brief discussion of the state convention which named Mr. Goebel by saying:

"I am not in this state to discuss politics from a personal standpoint. Some men in the convention at Louisville thought that one candidate should be nominated, some thought another candidate. I am not here to discuss your personal preferences. The convention met, it adopted a platform, it nominated a ticket. That platform stands for the sentiments of the democrats of this state, and that ticket stands for the democratic ticket of this state. I would have come into this state to support any of the candidates before the convention if he had been



Louisville Times, October, 1899.



Washington Post, October 18, 1899.

nominated, but I am for the man who represents before the people democratic principles, because to my mind the principle is everything, the man is very little, except as he represents it."

This led up to his expression on the platform of the Music hall convention in the following language:

"I believe in the democratic principles as set forth in your Louisville platform. I believe their triumph is necessary to the welfare of this nation."

Several ladies joined the party at Mayfield, making the trip for the remainder of the day less lonesome for Mrs. Bryan, who was traveling with her husband.

As the trip progressed the stronger became Mr. Bryan's indorsement of the Goebel ticket, and parts of his speeches soon became direct appeals to party men to stand by the nominees.

Mr. Goebel made the longest speech of the day at Benton, defending his election law and denouncing the L. & N. railway. Among other things he said:

"The democracy of Kentucky does not have to steal elections in order to win. The republican party is the minority party that has to steal in order to win. You may depend upon it, that without this election law the Louisville & Nashville Railroad company would long since have written the verdict that will be rendered by the people of Kentucky on the 7th day of next month. I am for this election law, my friends, because I know that in 1896 the majority was fraudulently in this state taken from Bryan and given to McKinley, and while we have this law in democratic hands that foul work can never be repeated."

One of the chief incidents of the day was the presence of Capt. W. J. Stone in the crowd at Eddyville. Goebel and Stone had not met since the memorable convention, and when the latter was seen in the crowd a clash was anticipated, but it did not occur. These two interesting figures must have seen each other, but they appeared not to have done so. When Mr. Bryan leaned over the railing Capt. Stone made his way through the crowd and cordially shook his hand. After the speech Capt. Stone again approached and bade Mr. Bryan farewell. This closed the incident.

The last speech of the day was made at Leitchfield. What Mr. Bryan had to say on the subject of bolting was awaited with deepest interest. He didn't meet the issue half-way, but said:

"I understand that in this state they have circulated an editorial which I wrote when I was editor of the World Herald. I have not had occasion to read all of that editorial since it was written, but I have no doubt that the principles therein stated

were correctly stated then and are true now. I have always asserted the right of any man to bolt his party ticket when his conscience and his judgment lead him to that conclusion. But I have always insisted that the man who bolts his ticket must assume responsibility for the natural and logical results of his own conduct, and every man who bolts the democratic ticket this fall must bolt it with a clear understanding of the responsibility which he assumes when he bolts that ticket. * * * And if any man studying the situation as it presents itself this fall conscientiously believes that he can better serve his country by electing a republican governor and a republican state ticket and a republican senator than by electing Mr. Goebel and the Democratic state ticket and Jo Blackburn to the senate—I say if any man can conscientiously believe that, I shall not say one word against his bolting."

And thus the first day of the trip was at an end. The Goebel democracy of the state went to sleep that night feeling better than for weeks. They had faith in Mr. Bryan's power to pull strength away from the Brown faction, and in their dreams that night saw visions of a united democracy against a united republican party, but they were only visions, as subsequent events proved.

* * *

Rain on the second day of Mr. Bryan's trip perhaps cut down the attendance very much, but 30,000, according to the democratic papers—20,000 admitted by the republicans—heard him, though they had to stand throughout his speech in the wet. Mr. Bryan became even stronger in his indorsement of Mr. Goebel. At Lexington he made an extended reference to the Brown ticket, and also took occasion to rap the Louisville & Nashville railroad. The day was begun at Frankfort, where the party took breakfast with Senator J. C. S. Blackburn, who addressed the crowd just before the train sped on its way to Versailles, Mr. Blackburn's home.

There was nothing of unusual interest at the other points covered during the day, and the party retired to their berths early, to be better prepared for the third and biggest day of the trip, which included Louisville and Covington, the home of Mr. Goebel.

* * *

It dawned as pretty as the previous day was ugly. The first stop was made at Harrodsburg, the home of Gen. P. Wat Hardin, but Mr. Hardin was not present. Nevertheless, Mr. Bryan made it a point to say that had Mr. Hardin been given the honor of leading the democracy he would have come to Kentucky to

speak for him. Short stops were next made at Lawrenceburg and Shelbyville, and at 1 o'clock Mr. Bryan reached Louisville. The party took carriages and were driven to the race track, in the suburbs, where there was a crowd, claimed by the democrats to be 25,000, and disputed only slightly by the republicans. The Cook County Marching club, of Chicago, of which Mayor Carter Harrison is the colonel, was in attendance with a brass band. The other attraction of the day, leaving out politics, was an old-fashioned Kentucky barbecue, with burgoo, prepared under the direction of the famous Gus Jaubert, of Lexington. These things helped very much to increase the crowd.

Mr. Bryan was introduced by Mayor Weaver and spoke for an hour—the longest address of the trip. Soon after Mr. Bryan's arrival at the grounds he was handed the following letter from ex-Gov. Brown:

"Louisville, Ky., Oct. 18, 1899.—The Hon. William J. Bryan, Louisville, Ky.—Dear Sir: I desire very respectfully to submit to you for answer in your speech today the following questions:

"If it be true that a secret, written bargain was made prior to the late Louisville Music hall convention between Messrs. Goebel and Stone, democratic candidates for the nomination, which provided 'that the friends of Mr. Goebel and Mr. Stone should unite their votes upon the temporary chairman, to be named by Mr. Goebel; that the temporary chairman thus elected, in the appointment of the committees at large, upon resolutions, permanent organization and credentials, should give equal recognition to Goebel and Stone by naming men selected by each of them on each committee; that in all contests as to delegates between Hardin and Goebel, Goebel's delegates should be seated, and in all contests between Hardin and Stone, Stone delegates should be seated, but in all contests between Goebel and Stone the determination of the committee on credentials should control the combined vote of Stone and Goebel.

"And if it be true that this bargain was executed, thus placing in this convention over three hundred men selected by this conspiracy instead of the delegates selected by the 64,000 democratic voters of the state, do you state that the action of such substituted delegates could give Goebel the nomination of the democratic party?

"Was not such a contract fraudulent?

"Has the chairman of a sovereign body of democrats, met in state convention, the right to deny an appeal from his decision when demanded, and thereby take away from them, who

are the people's representatives, the right to govern themselves and the proceedings of the convention?

"If such things were done by the aid of armed police drawn around the sovereign body, was and is not this a menace to free government?"

"Do you indorse the Goebel election law, which deprives the people of Kentucky of the right to govern themselves? If so, please explain why you advocate free government for the people of the Philippines and deny it to the people of Kentucky.

"Have you any plea, save that of political expediency, to justify submission by American citizens to the outrages above indicated. Very respectfully,
JOHN YOUNG BROWN."

Mr. Bryan answered the letter in a fragmentary way throughout his speech. His first reference was thus:

"Let me say, in the first place, that I did not come to Kentucky to investigate the details of a state convention and sit in judgment upon the things done in that convention. I did not come to this state to discuss the details of an election law. I come to this state to say, and I want to say it with emphasis, that if there was at that convention anything done that a democrat does not think ought to have been done, I ask of the democrat who complains of that convention what his remedy is. Is it to elect a republican governor and republican officers in the state of Kentucky? If that is the remedy proposed I want the democrat who applies the remedy to apply it with a full knowledge of the responsibility that he assumes. The man who attempts to correct a democratic convention by electing a republican governor assumes responsibility for all that the governor does after he has elected him."

Mr. Bryan then proceeded to pour some pretty warm shot into the Brown camp by saying:

"The platform adopted at Louisville contained not only an indorsement of the Chicago platform, but it announced the party's position on the new questions that have arisen since; and that platform, among other things, indorsed the Goebel election law. There was no minority report in that convention. There was no fight on that platform, and when that convention adjourned and the ticket was nominated that ticket stood before the country as representative of that platform. Some democrats met and organized another convention. It was not a convention called in the regular way, nor a convention to which delegates were sent in the regular way. It was a convention formed of those men who were opposed to the other ticket that was nominated. It cannot be called a repre-

sentative convention. It cannot be called a convention, representing the democratic voters of this state and now the ticket nominated by the bolting convention is in this campaign with no possible prospect of election and with but one influence, and that is to aid in the election of the republican ticket. And the basis upon which they rest their fight is that the convention that met at Louisville did things that relieved the voters from any obligation to support the ticket. When a man tells you that you are justified in helping to elect a republican governor, you ask him whether, if Mr. Taylor had been a candidate against Mr. Goebel in that convention, there would have been any doubt of Mr. Goebel's nomination in that convention."

Along this same line he referred to the action taken by the Lexington convention, so far as it concerned his candidacy for the presidency. He said:

"I appreciate the compliment paid to me by the Brown convention. It indorsed me for the presidency, and I have had it suggested that because that convention indorsed me for the presidency, therefore I must stay in Nebraska and watch the people who support that ticket help elect a republican governor in the state of Kentucky. If I were to do that I would be placing my own personal interest above the welfare of the country and the principles for which I fought.

"And I want to say to Brown men that, while I am glad to have them think well of me, I am glad to have them have confidence in me, I want to tell them that I am going to give them a new reason for loving me and having confidence in me. I am going to tell them that I would rather every one of them would vote against me and stand by the principles of democracy, than stand by me and vote to elect a republican governor. I have a higher ambition than being president of the United States. I have an ambition that can be shared by every citizen. If I know my own heart, my highest ambition is to do all within my power to make this government so good that to be an American citizen will be greater than to be a king, and I want to show you my interest in democratic principles by coming to Kentucky and warning you of the risks that you take when you array yourself against a ticket that stands upon a platform that indorses the Chicago platform ideas. Let me repeat: I want to burn the words into your memories, that, while you have a right to bolt, yet when you bolt you assume responsibility for all that your bolting does."

As he concluded there were calls for Mr. Goebel, who stepped forward and created somewhat of a sensation by saying:

"I want to ask a few questions myself. Did John Young Brown seek the nomination for governor from the same convention that nominated me up to the very instant that the nomination was made?"

"Did John Young Brown, within a few hours of my nomination, procure the publication in the Louisville Times of an article calling upon the convention to nominate him as a compromise candidate? If he says he did not, I call to the witness stand his personal friends, Urey Woodson and Charles C. McChord.

"Did John Young Brown, ten days after that convention adjourned, tell Frank Peake that he would take the stump for the democratic ticket?"

"Did John Young Brown ever tell any human being that he intended to oppose the democratic ticket until after Milton H. Smith had gone to the office of August Belmont in Wall street and determined the policy of that railroad company in this campaign?"

Mr. Goebel then began to denounce in unmeasured terms some of his enemies and the Honest Election league:

"If Capt. Kidd, three hundred years ago, had had his piratical craft manned by the members of Dick Knott and John Whalen's Honest Election league, Capt. Kidd would have been a deckhand in a week. And the time will come when the old devil will swoop down on that gang of purificationists. He will fasten his claws into them, and then the struggle will begin as to whether they are to fly away with the devil or the devil is to fly away with them."

At Covington, where a big torchlight procession greeted the Bryan party, it was a big compliment to the Kenton senator, and he thanked the crowd feelingly. Mr. Bryan did not speak very long and later in the night went to Cincinnati to begin a similar tour in the interest of Mr. John R. McLean for governor of Ohio.

CHAPTER XIII.

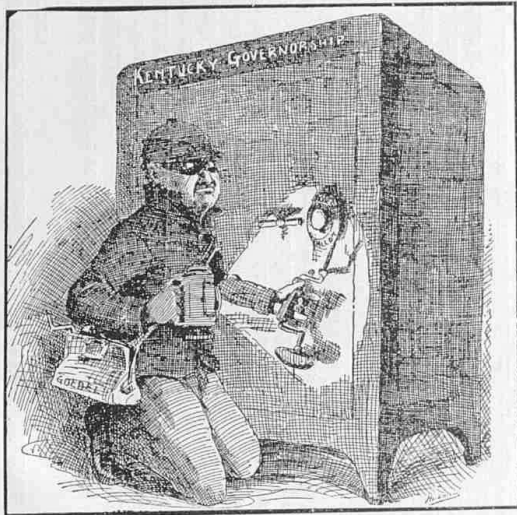
CAMPAIGN DEVELOPMENTS.—Bradley Leaves His Tent.—“Elect Taylor by a Majority That Can’t Be Counted Out.”—Federal Court Delivers a Warning.—Sam Jones on the Situation.—Meeting at Board of Trade.—General Duke Resents an Attack.

The unquestioned determination of Mr. Bryan to come to Kentucky had the effect of bringing out Gov. Bradley. Efforts to sound him had proved unavailing, as he would only say he was too deeply occupied in affairs of state to go on the stump for Mr. Taylor. He did say that he might possibly make one speech in defense of the state administration which the Goebel speakers had begun to attack, but this meant little to Mr. Taylor, there being no assurance that Gov. Bradley would refer to him in any way or even favorably affect his race. However, Mr. Bradley made the announcement that he could be heard from immediately after Mr. Bryan concluded his tour. He did not state what he would do other than speak in defense of his administration, and there was much doubt whether he would even mention Mr. Taylor’s name. The relations between the two republican leaders, never cordial, were in bad shape.

Governor Bradley spoke at Louisville on October 19, having a tremendous crowd. He went through an elaborate, but vigorous speech lasting two hours, painting the beauties of the republican state administration, without breathing the name of Mr. Taylor, while the audience sat in silent suspense. Suddenly he shouted, “And go to the polls and elect Taylor and the whole republican ticket by a majority that can’t be counted out.”

The effect was so dramatic and so unexpected by the despairing friends of Mr. Taylor and the auditors generally that it threw the gathering into transports of enthusiasm. The cheering seemed to last indefinitely and was hardly ended by Gov. Bradley’s retirement from the stage, as it had been his concluding paragraph. “Bradley, that’s the slickest thing you ever did in your life,” said Mr. A. E. Willson to him as he extended congratulations.

Gov. Bradley spoke at Maysville, in the eastern part of the state, and at Owensboro, in the western part of the state, and put such new life into the republican campaign that it had an



HE HASN'T THE COMBINATION, BUT—
St. Louis Globe-Democrat, October 26, 1899.



LEADING DEMOCRATS.
St. Louis Globe-Democrat, October 23, 1899.

effect on the republicans like Mr. Bryan's visit had on the democrats.

✦ ✦ ✦

Just before the registration of voters conducted in the cities of the state, Judge Walter Evans, of the federal district court, delivered a strong charge to the federal grand jury, in which he called attention to sections 5507, 5508 and 5509 of the federal statutes, which are intended to enforce the fourteenth and fifteenth amendments to the constitution of the United States. He told the jury that convictions under these statutes were intended to protect a certain class of citizens in the exercise of their elective franchise, and it was the duty of the grand jury and the judge to enforce these laws. He said further:

"With the punishment alone have we anything to do. The government of the United States cannot interfere, and does not by these statutes in the slightest degree interfere, with the conduct of any election. The elections all over our state are conducted under the laws of the state exclusively, and no officer of the United States has the least right to interfere with the election as it progresses. All that these sections of the statute do, and the next section to which I shall call your attention, is to provide punishment against evildoers if they violate the laws of the United States.

"These laws, like all other laws, are to operate upon acts that have been done and to restrain the doing of criminal acts by the fear of the enforcement of the laws, and whenever the laws of the United States shall be systematically disregarded because the men charged with the execution of these laws violate their oaths and do not enforce them, it will be a sad day for the government."

Judge Evans then discussed the statutes and gave examples of acts they were intended to punish. He made the statement that the provisions of this law applied to all elections, not only federal, and that the government was responsible to the colored citizen to protect his right of franchise in every election in which citizenship was the qualification to entitle him to a vote.

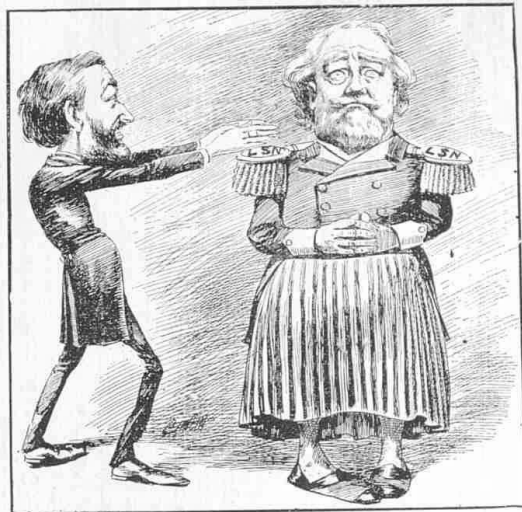
The registration through the state furnished some work for the grand jury, but no indictments resulted. The grand jury was adjourned to November 13, which was a short time after the election date.

✦ ✦ ✦

At first the Brown democrats wanted to make a fight for the party emblem to go on the ballot—the game rooster. Their determination to do this was the cause of the Goebel democrats filing their ticket at the earliest possible moment permitted



THE KENTUCKY COLONEL'S DILEMMA.
 G. O. P.— } "Colonel, have one with me."
 Dem— }
 Minneapolis Journal, November 11, 1899.



TRILBY AND SVENGALI.
 Louisville Times, October, 1899.

by law, relying upon a provision in the statutes to gain the emblem by reason of precedence in getting their ticket into the hands of the secretary of state. The Brown democrats made no move to make a race for it, and also abandoned the idea of bringing a suit, and decided to adopt a new and distinctive emblem. They adopted as a device the pictures of Brown and Johnston, with a scroll bearing the name "Honest Election Democratic Party." This was filed as late as possible.

* * *

Evangelist Sam Jones was in Kentucky in October. He viewed the political situation thus: "I doubt Goebel's confidence in his election machine, for he is working everything in sight, from Bryan to the cross-roads lawyer. Everything that can kick or butt is out kicking and butting for the election of Goebel. He is either despairing of his election or fixing to die game. Evidently Goebel is game, and reminds me of Goerge Washington in one respect—George Washington had two legs. As I have come in contact with the forces in this state it looks to me like Taylor and sorter feels like Goebel."

* * *

In the canvass of Mr. Goebel and in that of Mr. Taylor certain eccentricities cropped out. For instance, every minister and every ex-confederate that was enticed upon the stand with Mr. Goebel was made much of; every Brown democrat who saw the error of his ways was complimented in the Goebel press; every negro who said he thought he would not support Mr. Taylor was given a smile. With Mr. Taylor the "glad hand" went out to every person known formerly as a democrat who occupied a prominent place at the speakings, old confederate soldiers were made welcome along with those republican standbys, the old union soldiers. The Brown people were flattered and sympathized with; letters from unknown democrats who wrote, "you republicans vote; we are saying nothing, but count on us to do the rest," were treasured.

* * *

At one of the Taylor rallies in Louisville, where a vast crowd was seated in a hall, mortars were fired outside to attract a crowd. While Mr. Taylor was speaking, in the midst of his speech one of the mortars "let go" unexpectedly.

"There goes Goebel," quickly cried a man in the audience.

* * *

From his position as attorney general, Mr. Taylor obtained the title of "general," and he was referred to by many persons as Gen. Taylor.

C. J. Bronston came out strong against Mr. Goebel in the latter part of the canvass, making very severe speeches against him and attacking both his record in the legislature and his past fealty to Blackburn.

* * *

In Louisville was organized the Honest Election league. It was represented to be a combination of a nonpartisan nature to insure a fair election in Louisville. Party affiliation was not considered in the platform adopted and it was stated that the sole purpose for which the league was formed was to protect every citizen in his right to legally cast his vote and to secure in the approaching election a free and fair ballot and an honest count.

This league contained in its membership about two hundred leading men of the city. The league went to work to make ward organizations in Louisville.

* * *

Several of the republican election commissioners resigned from their respective boards because the democratic majority refused to consider official lists of republican election officers offered by them and insisted upon appointing men of their own selection as republicans.

* * *

An armory was leased for the Louisville regiment of militia in October, which up to that time had been unable to get even temporary quarters at the expense of the city.

* * *

Louisville's registration in 1899 showed a falling off of about 7,000 from the best previous figures. The democrats on the face of statements of party affiliation, had a plurality over the republican vote of about 8,000. However, the democrats showed a majority of only 200 over the republican, noncommittal and other vote. Under the head of democratic, the Brown vote was registered, there being no distinction in the registration.

The democrats made the claim that they would carry Louisville by 5,000 for Mr. Goebel. The republicans, who had repeatedly carried the city over a democratic plurality on the face of the registration, thought that they would carry Louisville by 10,000 or 12,000.

* * *

Although he had good command of the language, Mr. Goebel made only a few German speeches in his campaign. He spoke in German at Louisville and at Covington, having German-speaking audiences each time. John C. Droege, of Covington, a

nominee on the Brown ticket, spoke in German against Goebel at Louisville and other places.

✦ ✦ ✦

All the democratic ex-governors of Kentucky were against Mr. Goebel except J. B. McCreary. These included ex-Govs. S. B. Buckner, John Young Brown and J. Proctor Knott. The latter, however, was reported just before the election to favor Mr. Goebel.

✦ ✦ ✦

At a republican rally at Owensboro two suburban precincts sent a large delegation, which paraded through the city on horseback and in vehicles. One conspicuous feature was a wagon carrying a banner inscribed "Goebelism," and a man in the wagon stuffing a ballot box, and two other men with shot-guns interrupting the proceedings.

✦ ✦ ✦

Congressman E. E. Settle on October 17 expressed the opinion that the democratic vote in the mountains would be increased by 10 per cent., because Mr. Goebel had impressed his individuality upon the people there.

✦ ✦ ✦

Mr. Taylor was fond of predicting a majority of 50,000.

✦ ✦ ✦

W. C. P. Breckinridge said: "We would not trust George Washington, John Adams and Thomas Jefferson with such mighty and irresponsible powers; no man that ever lived could or ought to be trusted with unlimited power over the suffrages of a free people."

✦ ✦ ✦

The people of Perry county, a community that had been torn for many years by a feud, wrote a letter, signed by members of both factions, in which they said that they had become law-abiding and were maintaining law and order, and were looking forward to true American principles. They said that they had "laid down feudism and had taken up the fight to put down Goebelism."

✦ ✦ ✦

When Mr. Taylor spoke at Marion one old man said to him: "You are the Abe Lincoln of Kentucky. You will free our state from political slavery."

✦ ✦ ✦

A negro Goebel club in Covington had a crayon banner over its headquarters, on which there was a picture of Mr. Goebel that looked as if had been drawn to represent him in blackface.

Mr. Taylor was working through western Kentucky, while Mr. Goebel was making his trip through eastern counties. Each claimed to have made excellent progress in the other's territory.

† † †

W. C. Owens said that Blackburn's sole plea for Goebel was that he was no fool.

† † †

The democratic campaign book was not distributed gratis, but was put on sale at fifty cents per copy—a new departure.

† † †

Mr. Goebel had a number of colored speakers out. Few of them were local talent. Some of them had thrilling experiences in attempting to dissuade negroes from their determination to put the stencil in a place other than under the log cabin, the republican device on the ballot.

† † †

At a rally at Marion a glee club serenaded Mr. Goebel with a song entitled, "Good By, Bill Taylor, Good By," to the tune of "See the Steamboat Come Round the Bend."

† † †

"Brown will not get as many votes in this election as Buckner did in Kentucky in 1896," was Mr. Blackburn's venture two days before the election.

† † †

At many Taylor speakings men wore badges bearing the inscription, "A Free Ballot and a Fair Count."

† † †

There was danger of a republican bolt in Louisville, but it disappeared as the election approached.

† † †

In his speech at Corbin Goebel said: "People thought I was joking when I went after the nomination, but I was never more in earnest in my life. They think I am joking in my race for governor, but they will find that I am in earnest."

† † †

The Goebel bill John W. Yerkes pronounced the direct outcome of gerrymandering legislative districts on account of the facts that when two houses were safely democratic the state went republican in 1894, 1895 and 1896. Such a measure as the Goebel bill was thus made necessary for the salvation of the democratic party.

"It was an infamous bill," he stated, "intended to rob the peo-

ple of their suffrage. While it is a penal offense to steal a chicken, yet it is no offense for the commissioners or election officers to deprive you of the one sacred privilege, voting. The democratic legislature which laid so much stress on their love for the people could pass two bills, the Goebel election law and the Bronston penitentiary bill, both for their own ends; and the Chinn school book bill and the McChord bill, which they claim were for the direct interest of the people, they could not pass."

* * *

At Winchester, where Mr. Goebel spoke, a delegation of men from the county came to town mounted. They had with them a farm wagon, on which was a black coffin studded with brass nails, and beside it was seated a man in deep mourning. Over this was a banner inscribed, "John Brown's political body is moving toward the grave. Taylor, as chief mourner. Died of an overdose of L. & N."

* * *

The claim often made by Mr. Goebel that he was the friend of the poor man was frequently disputed, and the most stress was laid upon the bill at one time offered in the legislature the purpose of which was to make the payment of poll tax a qualification for voters. The bill passed the lower house, but was lost in the senate. Mr. Goebel was recorded as voting for this, while the republicans voted against it as a unit.

* * *

On October 30 the Louisville Commercial, the republican organ, made the claim very strongly that Mr. Goebel realized that he was beaten by what would be held down to a narrow plurality for Mr. Taylor, and that the fight on his part was now confined to an attempt to elect a legislature favorable to him, with the view of making a contest and securing the office of governor under the triple chance provided for him by the control of the election machinery under his election law. It was asserted that the plurality for Mr. Taylor would be held down with the cooperation of the county boards; that the state board should be expected to cut down this plurality or decide that Mr. Goebel had a plurality, he then to go to the legislature for final title to the office.

* * *

Mr. Goebel, it was charged, was being backed by the retail liquor dealers of Kentucky and adjacent states. In connection with this was published what purported to be a letter signed by Joe A. Miller, secretary of the Ohio Brewers' association, calling upon brewers to urge saloonkeepers to make great ef-

forts to secure votes for Mr. Goebel. In the letter it was claimed that there was a strong temperance crusade at work against Mr. Goebel.

* * *

What proved to be productive of much discussion and bickering during the windup of the campaign in Louisville was a meeting conducted by merchants, manufacturers and others at the board of trade exchange hall to demand pledges from the democratic city and county officials, all democrats, and the local election board, that a fair and orderly election be held in Louisville. It was advertised to be a nonpartisan affair, and in fact, the name of no candidate was mentioned in the course of the proceedings. Several ministers were present. A set of resolutions was adopted calling upon every citizen to co-operate in securing a fair election and honest count; that everyone guilty of contributing in any way to defeating a fair election and an honest count should be remembered and execrated by the citizens of Louisville; that the local authorities should prevent any interference by policemen and firemen in the election; calling upon the election commissioners to issue full and explicit instructions for the conduct of the election defining the rights of the tickets to have challengers and inspectors; calling upon the sheriff to provide sufficient paraphernalia for the election. All of the respective public officers alluded to were present and pledged themselves to follow the law.

When the adoption of the resolutions was declared to be in order a diversion was occasioned by one of the persons present, Mr. Zack Phelps, who was known as a friend of Mr. Goebel, offering an amendment to the resolutions recommending that railroad corporations which contribute money to influence elections shall forfeit their charters under the constitution. This was intended to be something of a "bombshell." Judge Alex P. Humphrey said he accepted the amendment, provided it would include all corporations. Mr. Phelps demurred at this, and during a discussion with Mr. Humphrey was interrupted by Gen. Basil W. Duke, an L. & N. railroad man, with the proposition to add an amendment calling for the forfeiture of his office by any candidate who used money or any corrupt means to secure his election. Gen. Duke seconded Mr. Phelps' motion, but none of the amendment were adopted.

* * *

Shortly after Mr. Bryan had made his tour, Wood G. Dunlap employed a paraphrase of Mr. Bryan's famous convention utterance, and said in his speeches: "You shall not press down upon the brow of Kentucky labor your cross of slavery; you

shall not crucify Kentucky manhood upon your cross of Goebelism." He is the same one who said Mr. Taylor's initials stood for "Won't Steal."

* * *

In closing his campaign Mr. Goebel said the republicans were afraid, and afraid because beaten.

* * *

The "anti-Goebel grip" was reported to be prevalent in Pike county early in the campaign. It was a silent means of expressing hostility to his principles.

* * *

A Pulaski county man was quoted as saying that if the mountain people did not get a fair election there would be a "shovelin' of dirt."

* * *

Mr. Taylor, in his capacity as attorney general, was applied to by the populist organization for an opinion upon the right of the election boards to deny them representation at the polls. In a reply dated November 6, Mr. Taylor said: "Each party entitled to a place on the official ballot is entitled to the same privileges, hence it follows that the people's party is entitled to have at each polling place a challenger during the voting and an inspector during the count. To refuse any party this right would be a denial of justice, as well as a violation of the law."

* * *

The rumors that he would withdraw from the race for governor were circulated very often during Mr. Goebel's canvass. At Princeton he made this statement: "Did you ever hear of me withdrawing from any fight I ever went into?"

* * *

When he visited Breathitt county Mr. Goebel perpetrated a pleasantry. He spoke at Jackson, Judge Redwine's home. He said: "I want to know if Judge Redwine really was for me. They say he was, but I want to know." Goebel went on to say that he had no apologies to make for what happened in the convention, and that the rulings were the same as those made by Judge Goodnight in the convention that nominated Brown.

* * *

Theodore Hallam spoke at Somerset. Supporters of Mr. Goebel flaunted a transparency on which was written: "Help Goebel; the devil is after him."

* * *

When Mr. Goebel visited London there was a Brown speak-



Mr. Goebel—"What are you going to do about it?"
Louisville Dispatch, November, 1899.



"HOT AIR."
Louisville Times, October, 1899.

ing inside the courthouse, while he spoke out in the yard. It was during the day and in an intermission between business. A clever trick was attempted to get listeners to leave Goebel and come inside where the Brown orator was holding forth. Some one went out and cried: "All witnesses and jurors wanted inside."

* * *

The ante-election estimates were all very extravagant, as results showed. Chairman A. W. Young, of the democratic state central committee, said Mr. Goebel would probably get a majority of about 46,000 and certainly not less than 37,000. Mr. Goebel said he counted upon a majority of 30,000. C. M. Barnett, chairman of the republican state central committee, thought Mr. Taylor would get a plurality of 30,000. Chairman Geo. W. Long, of the Taylor campaign committee, would make no forecast except for a victory, indulging in no figures.

* * *

In his Louisville speeches Mr. Goebel was in the habit of referring to Gen. Basil W. Duke as a "professional corruptionist" in connection with his attack upon the L. & N. railroad. Gen. Duke, who is an ex-confederate and formerly a member of Morgan's cavalry, was not on the stump, but he "got back" in a published card over his signature in this fashion:

"I wish it to be understood that I do not speak as an attorney, agent or employe of a railroad. This is entirely a personal matter between myself and William Goebel.

"I speak within due bounds when I say that Goebel has been more frequently suspected of bargaining and using his influence as a legislator than I have been of attempting to so control legislation.

"What I say in this regard rests only on my word, but it is my word against William Goebel's. I have never, whatever else may have been said of me, been accustomed to lying. He has repeatedly been accused and convicted of lying. It has been proven that he is a willful, flagrant and frequent offender in this regard.

"I am a citizen of Kentucky, having the rights which every other citizen possesses, and determined to assert and maintain them, and I will not submit to an attack from a liar, slanderer and an assassin because he happens to be a self-selected candidate for governor.

BASIL W. DUKE."

CHAPTER XIV.

A STIRRING FINISH.—Brown Men Denied Representation at the Polls.—A Test Case.—Populists and Prohibitionists Protest.—Alarm.—A Proclamation.—Republicans Cheer Impassioned Speeches.—Hurried Changes of Election Officers.—Talk of Lynching.—Gov. Bradley Serves Notice That He Will Act as Chief Peace Officer of the Commonwealth.—Goebel and Blackburn Rouse Their Friends.—“We’ll Win It All or Lose It All.”

The campaign lasted to the last minute. There was no week of rest for any of the contesting elements. Mr. Goebel was concentrating his activity in Louisville. Taylor and Bradley were going over the state on trains, making speeches at every station. The democratic state organization was very active over the whole state. The republican organization was quickly overhauled and strengthened to a degree that had been neglected. Ex-Gov. Brown was heard from. He had dropped out of the campaign with the silence of a turtle slipping into a pond. An injury received at Leitchfield two weeks before confined him to his home, and although several moves were made to have him address a meeting from a chair, or wheel chair, he was not able to do so. His expression took the form of a reaffirmation of his Leitchfield speech. Of himself he only said: “This is the people’s fight, not mine. If you willingly accept the denial of your rights, then let the manacles be put on your hands and wear them. These are questions that rise above party platforms. In this contest I appeal to the dignity of Kentucky citizenship and the glory and renown of the past of our commonwealth. I invoke the sons of the soil to rally to the defense of liberty regulated by law. No plea is sufficient that asks us to do evil that good may follow. It is a principle false in morals and rotten in politics.”

The second serious clash with the election boards took place with the opening of November. The attitude of the election boards toward inspectors for the Brown democrats was given a test. It came in Campbell county, where Lucius Desha brought up a test case to have the Brown inspectors to the count at precincts admitted. The suit was against the local election board and was readily given a favorable decision by the circuit judge. This decision was greeted all over the state as a very important

one by the Brown democrats, who insisted that in the absence of any other decision upon the subject—and there was none—the judgment in the Campbell circuit court was “the law of the land” and formed a precedent to be followed in every locality in the state. An appeal was taken at once, and when it reached the higher court the Brown democrats sought to have the case advanced and a clinching decision secured before the election. This intention was blocked by the defendant election board, which positively refused to furnish the agreement necessary to secure a trial out of the regular order. The suit had been brought after Chairman Pryor, of the state board, had given his opinion that every ticket might have inspectors.

The various election boards over the state were each thrown on their own responsibility by the state board in this matter, no instructions being sent out. Therefore, in some places the boards signified themselves agreeable to permit Brown inspectors to witness the count; in others the boards were non-committal. The hand of the Jefferson county board was forced, however, and it announced several days in advance of the election that inspectors for only the republican and democratic parties would be recognized as having the right to enter the polls. This ruling plainly excluded the inspectors of the four other parties having state tickets in the field. Intense feeling seemed to be aroused by this. The example, too, was one that might be followed by other boards. Protests and denunciations, however, were of no avail to alter the decision of the majority of the board. The republican member disagreed from the ruling, but it altered the decision of his colleagues not a jot.

The determination of the board in this matter was the first instance in the state where populists had been denied representation at the polls. It had been customary in all the elections for the the populists to have inspectors to the count. Their exclusion in this instance was based by the board upon a technicality, the claim being made that these parties had not cast 2 per cent. of the vote at the last general state election. The reason for excluding the Brown inspectors was based upon the claim that the Brown democrats were not a separate political party. The Brown people fairly screamed in their rage at this. The view of the election commissioners could only be overcome by the courts and it was too late to secure a decision before the election, and a decision was a very uncertain quantity. There were frequent threats of a resort to force to secure admittance by the Brown men, so baffled were they. The cry was raised that if the count was to be an honest one it would be doubly honest with more people in the poll, and that the desire to keep the limit of people

ON ALL HALLOWE'EN.



Waiting for the Croker Graveyard Rabbit to Show Up.
Louisville Dispatch, October 31, 1899.

WILL THIS BE THE FINAL SCENE?



Will Kentuckians Abandon the State to the Political Vampire?
Louisville Dispatch, November 6, 1899.

at each precinct down to the lowest possible mark exposed an inclination to have an unfair manipulation of the vote. The reply of the Goebel men was that the Brown inspectors might seek to corrupt the officers of election.

The populist organization was very angry over the denial to it of inspectors, and issued a bitter statement to the effect that some action like this had been the subject of forebodings. Members of the organization were requested not to commit any acts of violence, but to secure prosecution if possible of persons who refused them admittance as inspectors.

Even the prohibitionists had something to say. To demand the admission of their inspectors they instructed their people, saying that it seemed incredible "that such gross injustice would be tolerated."

✦ ✦ ✦

All of this made the anti-Goebel people in Louisville more convinced that Louisville would be made the chief victim of every artifice known to politics. On November 2 Gov. Bradley began a special train tour lasting two days in northeastern Kentucky. It was a great success, so that he himself was caught thoroughly with the spirit that is lifted by encouragement. "Boys, we've got 'em"—and as the train would pull out of the little towns he left that impression very thoroughly. Mr. Taylor took a two days' tour also, journeying from the heart of the mountains to Louisville. The strain on him from overwork and considerable worry was becoming great. Sometimes he would sit abstractedly, and once he was overheard to say: "Will they count me out? Oh, they don't dare do it." His campaign was to close in Louisville. Then he was to go to his home county, Butler.

The Louisville speech was the first one Mr. Taylor made in public at the metropolis. He had the largest hall, which was filled with hearers, the most of whom saw him for the first time in their lives. Aside from the party spirit aroused in the gathering, the impression was made that he thoroughly believed what he said about civil liberty being in danger in Kentucky.

✦ ✦ ✦

Friction was growing in Louisville daily, until on the Saturday before the election Mayor Charles P. Weaver issued a proclamation in which he said that threats of assemblages of armed men had been made and threats of bloodshed uttered, and that as chief executive he gave notice that no unlawful assemblages at the polls would be tolerated. He said he would preserve the good order and name of the city, and that no person in authority should interfere with the rights of any one.

On the same night there was a triple rally conducted by republican speakers, ex-Gov. Bradley, John W. Yerkes, Maj. A. T. Wood and George Denny speaking at three different places in rotation. There were large crowds at each place. Mr. Yerkes among other things said: W. S. Taylor was a man to be trusted. Born and reared on the farm, he had not the advantage of a collegiate education. He had no wealth. He was engaged in farm work beyond an age at which most young men were going through universities. By his own power and character he had lifted himself up until he had qualified himself for positions of public responsibility, becoming county attorney, attorney general of the state, and finally leader of his party in Kentucky. "If many of us who have different environments," said Mr. Yerkes, "had been born as he was, instead of reaching the heights he has attained, we would still be plowing with a broken-kneed mule down in Butler county. Under the leadership of such a man we can rest assured that our interests are safe."

Mr. Bradley ripped out one of his "grass-cutters."

"It is mortifying to know that in this great state's 108th year of existence there is a possibility of the votes of the people being registered and not counted as cast," he said. "I might take by the hand a thief. I might walk by the side of an assassin, but I would do this sooner than shake hands with the scoundrel that would steal a man's vote."

"Yes, I would rather steal the last crumb from a poor beggar stiffening with hunger, mean and despicable as it is, than rob my fellow citizen of his vote."

Tumultuous applause was the reward of this sentiment.

"But it won't be done. They are being watched. When you watch a thief he is not apt to steal."

"There is also something else keeping it from happening. A man may be a murderer and may step into the bed chamber of his sleeping prey, and bend over the couch with the dagger glittering in the moonlight, hesitating only for a moment before plunging it into his victim's heart. But when an American citizen sets out to steal a man's vote he may start ever so cheerfully, but the divine, God-like principle of liberty will stay his hand before the blow has fallen."

The audience went wild at this, rising to its feet, waving hats and flags and cheering as if mad.

At one of the halls a man in the gallery persistently interrupted Mr. Bradley.

"Will some one kindly sling that fool out of the window," said Gov. Bradley, who does not like to be interrupted. And they made a move as if to do it.

Mr. Denny entertained the audience while Gov. Bradley moved on to the next stand. Mr. Denny has a fine convention voice. He comes from Lexington, where there was a particularly obstinate set of election commissioners.

"The man who casts out a legal ballot is a traitor to his country," said Denny.

"I am no carpet bagger," he said; "I was born in Kentucky and brought up to love liberty. I would rather die than be robbed of what the law gives me.

"Kentuckians were not afraid of the Indians who disputed their title to this dark and bloody ground; they were not afraid at New Orleans when they rolled back Pakenham's army; they were not afraid when they planted the stars and stripes on the temples of the Montezumas; they were not afraid when they fought under the stars and bars or under the flag, and they are not afraid now. Like Patrick Henry in colonial days, I might say, 'Give me liberty or give me death.' If this is incendiary, I say, make the most of it."

The effect on the audience was to electrify it. One man arose and said: "Brother Denny, will you back us in that?"

"Yes, I will," was the prompt reply. "I am not one to tell you to go. I'll say, 'Come on and follow me.'"

* * *

Special police were appointed by the Louisville board of safety on the day before the election, one of the three members dissenting from the action. The city attorney had rendered a long opinion disputing the right of the board to appoint more than the number of policemen already on the roll, claiming that the city charter limited the number. By the anti-Goebel people this mustering of the extra police force was taken as a threat, the city administration having rested under the charge of partisan action since the democratic mass convention and Music hall convention.

* * *

There had been a close watch upon the local election board. Late on the evening before the election it was announced that what had been feared had happened. The board had unceremoniously thrown out eighty-seven republican officers, replacing them with persons said to have been nominated by an independent candidate for police judge, who claimed to be a republican. This affected half of the precincts of the city, and coming as it did after the board had refused representation to four tickets in the way of inspectors, was accepted by those opposed to Goebel as evidence that the election would be a "culmination of infamy," as they expressed it. The republican commissioner protested



WAITING FOR THE PEOPLE'S VERDICT.
 Indianapolis News, November 6, 1899.

POSSIBILITIES IN KENTUCKY.



What Will be the Effect of the Shotgun Vote?
 Indianapolis News, November 1, 1899.

against the action, but without avail. The news spread quickly to where the republican workers were having a meeting in preparation for the morrow's work. There was a howl of rage at this action cutting down their representation so heavily and unexpectedly and several excitable ones advocated a lynching.

The action of the board meant to them that equal representation in even the precincts—the only place where the Goebel law recognized the interests of two parties—would be denied the republicans. "Let's hunt them and hang them," cried men black in the face with rage. For an hour the gathering swayed between the advice of those who counseled violence to the democratic commissioners and those who advised self-control. Finally the crowd sullenly dispersed.

* * *

On the same night Gov. Bradley was billed as the star at a rally in the city. Remaining away, he sent the following explanatory note, which was read to the audience:

"In view of the intense public excitement now prevailing in this city, and the fact that numerous affidavits of good citizens have been filed with me showing that there is grave danger of riot and bloodshed, and that citizens will be prevented by force and fraud from exercising their right of suffrage in this city tomorrow, and in view of the further fact that I have been called upon to act as chief peace officer of the commonwealth, I have concluded that it would be improper for me to deliver an address this evening.

"I will thank you to assure those who may kindly honor me by their presence that I will remain in the city and see that every voter, irrespective of political opinion, is protected in his right to vote and to have his vote counted and the public peace protected at all hazards.

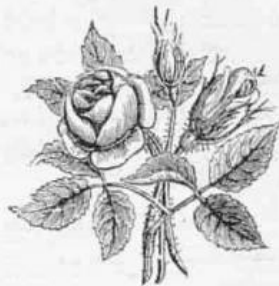
"I do not intend to surround the polls with bayonets or intimidate voters. I do intend that they shall not be intimidated, and will act promptly should necessity arise. Yours,

"W. O. BRADLEY."

A large crowd heard Goebel and Blackburn speak this same night. Mr. Goebel seemed wrought up as he had never been before and was very free with his charges of corruption, reeling off a string of citizens of Louisville whom he declared were professional corruptionists. He said his nomination had been effected by 561 men who could not be bought or bullied. He said the election would result in his selection for the governorship, would send Blackburn to the United States senate and meant that next year Bryan would get a majority of votes for president.

Blackburn said: "Tomorrow night it will be sent out on wings of lightning that Kentucky either indorses Bryan or McKinley. There is nothing in the way of a half-way house. Goebel has told you that this is a black flag fight. They have thrown down the gauntlet. We accept the challenge. We'll win it all or lose it all."

Of Mr. Goebel he said that this man had been the butt of more calumny than ever befell to the lot of man. He said he counseled no violence, but he wanted the people to know their rights and to maintain them. He said the militia, if they were ordered out, must, according to law, report to the mayor, or, in his absence, the sheriff, who, he felt, would do their full duty in the premises.



CHAPTER XV.

ELECTION DAY.—Militia and Special Police in Louisville.—Friction in Covington.—Generally Quiet in the State.—Injunctions for Brown Democrats.—Judge Toney's Order Ignored.—Militia Called Out.—No Bloodshed.—Complaints of Offenses Against Federal Election Statutes.—Returns Begin Coming In.

Election day in Louisville dawned with the militia assembled at the armory and a large force of special police at the police stations. The regular police were distributed over the city at the 176 polling places. In most of the precincts there was little or no friction with the opening of the polls, but in some places republican election officers who had been removed by the election board the night before appeared and refused to give way to persons who had been appointed in their stead. Some of these managed to secure admittance and others did not. There were deadlocks at several polls that lasted for an hour or more. However, there was no disturbance of any consequence, and the voting commenced and continued very quietly throughout the day. It soon became manifest that if there was going to be any trouble it would not be until the close of the polls. There was complaint of obstruction of the colored vote in precincts where negroes predominated, the balloting being very slow.

† † †

In other sections of the state the vote was very quiet also, with the exception of Covington and other cities, where the negro voters were said to have been obstructed. Complaints of sudden removals of election officers came from many points, but matters adjusted themselves without any outbreak. All of these things the republicans declared kept them out of many thousand votes.

† † †

About noon in Louisville, one of the circuit judges, Sterling B. Toney, a democrat, was applied to by the Brown organization for a mandatory injunction against the municipal officers and election officers for the admittance of Brown inspectors to the polls to witness the count. The injunction was promptly granted. The republicans, whose right to have inspectors had not been questioned by the election board, were seized with a



A KENTUCKY RICHARD III. AND HIS NIGHTMARE.
Washington Post, October 29, 1899.



A BOOMERANG.
St. Louis Globe-Democrat, November 23, 1899.

panic during the day upon hearing rumors that even their inspectors would be excluded from the voting places, and they filed a petition for a similar injunction, which was granted also.

When the polls closed at 4 o'clock, the republican and Brown inspectors sought admission. In nearly every case, the republican was admitted. The Brown inspectors were in many cases admitted without question, either on account of the injunction or by agreement among the election officers at the several precincts. In other cases the Brown inspectors were barred from witnessing the count, in spite of the injunction. Most complaint came in from precincts where there was a heavy republican vote usually cast. Citizens went to Judge Toney and apprised him that his injunction had been disregarded, and the police were doing nothing to enforce it. The chief of police was called up by Judge Toney and given to understand that it was his duty to see that the order of the court was carried out. A parley of some duration followed, with matters in a very strained condition at a few precincts. Finally Judge Toney's predicament was conveyed to Gov. Bradley, who was at the Galt house awaiting developments. Gov. Bradley sent an order and, after a considerable delay, Col. Mengel, with a company of about ninety soldiers under arms, left the armory at 7 o'clock and visited eight precincts. All but two of these were found closed, and at those there were found no inspectors claiming admittance. The soldiers returned to the armory at about 9 p. m.

✦ ✦ ✦

In Covington soldiers were also called to arms upon reports of disturbances at the close of the polls, but there was no more conflict than there was in Louisville.

The excitement at Covington arose over the refusal of election officers and police to admit republican and Brown inspectors to the polls. The situation was parallel to the Louisville trouble. Circuit Judge Tarvin was appealed to for mandatory injunctions and decided that the inspectors should be admitted to the polls.

✦ ✦ ✦

A number of warrants were sworn out during the day at various places before United States commissioners against persons who were accused of intimidating or obstructing colored voters.

✦ ✦ ✦

Everyone was anxious to hear the returns on election night. Louisville and Jefferson county proved to have been carried by Taylor by nearly 3,500. Besides, the republicans carried the city for their local tickets.

From the state at large, the reports showed that Covington had been carried by over 2,000 for Goebel, and the state showed a small plurality for Mr. Goebel, but with several large republican counties to hear from. Basing estimates for these upon the McKinley vote, the republicans claimed the election by 15,000 and upward. The democrats claimed the state by about 5,000, and claimed both houses of the legislature. The republicans were dubious about the legislature, but believed that it would be anti-Goebel, if not republican. "The Goebel law will be repealed," they said. Mr. Blackburn sent to Mr. W. J. Bryan a message at midnight that the state would be close, but that he believed Goebel would win.



CHAPTER XVI.

WHAT OF THE ELECTION?—Taylor Declares Battle Won.—Goebel's Followers in a Panic.—“I Know I Have Been Elected.”—Message From Bryan.—Legislature Democratic.—Thin Ballots Complained Of.—Election Claims Deadlocked.—County Boards to Act.—Nelson County.—Harrison County.—Lewis County.—Johnson County.—All Democrats Give Up but Goebel.—“Mr. Goebel's Friends Held This Election.”

Who had won the election? Brown had not. His vote was so inconsiderable that no one sent in any reports of it. Taylor claimed victory and so did Goebel.

Mr. Taylor spent the day at his home in Morgantown, where he was for twenty-four hours practically in ignorance of election news. The suspense was so much for him that he went to Louisville the next day after the election and, obtaining figures at headquarters, issued the following statement:

“Louisville, Ky., Nov. 8.—The battle for the restoration of civil liberty in Kentucky has been fought and won, notwithstanding the disfranchisement of 25,000 voters yesterday. I congratulate the manhood of the state and thank all those—irrespective of party affiliation—who have united to bring about this splendid result.

“The trust which the people have confided to me will be assumed and maintained.
W. S. TAYLOR.”

The republicans at that time figured upon a plurality of about 4,000, having greatly modified their claims upon hearing more definitely from democratic counties.

From Covington, where he had spent election day, Senator Goebel hurried to Frankfort on the day after the election. His headquarters was receiving more unfavorable news with every return. The people there were in a panic. A very nervous crowd awaited the arrival of Mr. Goebel at the depot. As the train pulled in he was frantically cheered by his supporters. His face bore a rather unusual look. He seemed wrathful and desperate. The crowd followed him up to the hotel, and on the steps before entering he was forced to make a speech. The crowd was cheering him as the governor-elect, but all wanted

to hear it from him—because if any one knew, he knew, they thought; he had the election at his fingers' ends.

Addressing the crowd, Mr. Goebel ripped out in an impassioned tone: "I have been honestly elected governor of Kentucky; in fact, I know I have been elected. Mr. Taylor says in an interview that he will assume the office and maintain it. All I have to say to this is that if declared elected I will occupy the office in spite of the threats of the L. & N. railroad company and its political allies. We will have in this state four years of democratic management of state offices. We will have no riot alarms, no bayonet rule and no federal marshals at the polls, but the representatives of the plain people of the commonwealth."

Senator Blackburn said: "Taylor does not claim to be elected, but says over his signature that he will assume the office and maintain it. On the democratic side, this has been the gamest and best conducted fight that has ever been made in the state, and if the party ever had a leader, William Goebel is that man. The majority is not as big as a door, but it is decisive. My advice to democrats at this time is to have patience and all will come out well. We have the majority on our side and no power can defeat us."

Other speakers were Ollie James, Judge James Andrew Scott and J. Willard Mitchell. Their language is reported to have been intemperate and impassioned in the extreme, and full of threats against the republicans, and the incident altogether seemed to throw the Frankfort partisans into considerable excitement.

The leaders retired to their quarters in the hotel and held a conference. Messages were sent into the tardy eleventh and tenth districts to secure prompt figures on the vote, and the republicans charged, to influence the election boards to take advantage of every pretext to benefit Mr. Goebel in the official count.

"Lincoln, Neb., Nov. 9.—To the Hon. Wm. Goebel, Frankfort, Ky.: I have learned that the returns are near enough complete to insure your election. Accept my hearty congratulations. I am sure your administration will strengthen the party.

"WM. J. BRYAN."

This message was received by Mr. Goebel on the second day after the election.

The legislature was soon shown to be strongly democratic.

* * *

For two weeks Frankfort was again the rallying point of Mr.

Goebel's forces. He gathered leaders about him for an exchange of views upon the situation and measures. The complaint emanated from his following that in several heavy republican counties the voters had been furnished with ballots so thin as to be transparent enough to expose from the back how anyone had voted. By this the secrecy of the ballot had been violated, it was charged, and the argument advanced that the votes so cast in those particular counties had not been legally cast and should be disregarded.

The opposition was quick to reply to this complaint by charging the use of transparent ballots in counties that had given large Goebel pluralities. The thin ballot cry was branded as a mere pretext for disfranchisement of electors by the election management, and the claim made that ballots provided by republican county officers could be compared favorably with those furnished by democratic officials. Indignant protests were raised against the charge by the officials in the counties involved in the complaints.

* * *

For a few days after the election the contending forces seemed deadlocked like two savage armies in the crisis of battle.

The frantic assertions from each side that to it belonged the victory, together with the absence of anything but the censored news handled at the respective headquarters, left the public as little enlightened as it was on November 6 and with barely middle ground between the rival claims to rest upon. Nothing could be done to provide official news until the county boards met.

The charges of military intimidation, election day injunctions and interference by federal officers were thrown bitterly and persistently at the opposition to Mr. Goebel. Hurling back was the cry of triumph over the election machinery and the claim that the result would be altered only through a colossal steal. Defiance of the power of the election board to reject any vote that had been cast and counted was uttered freely. Resistance to the bitter end was pledged in community after community against "counting out."

Would the county election boards attempt to ignore any of the Taylor votes cast?

* * *

It may be imagined how eagerly news of the official tabulation of the vote was awaited. The county boards all opened their work on November 10 and their reports were scanned with anxious eyes. There was, however, little change from conservative unofficial reports, those counties completing their task on the first day doing so without friction and without complaint.



"'Tis not so deep as a well, nor so wide as a church door, but 'tis enough; 'twill serve."
Washington Post, November 11, 1899.



THE POLITICAL TUG OF WAR.
Indianapolis News, November 15, 1899.

Official returns from about sixty-four counties were received on the first day by the republicans and published. Taking the official vote received and supplying for the other counties the estimates provided by members of the party organization on the scene, the figures showed a plurality of 3,000 for Mr. Taylor.

The democrats for the time being contented themselves with taking the counties officially reported, disregarding all others, and found themselves with a plurality of 4,404 on the face of these.

On November 12 the republican committee declared itself relieved of all doubt as to the result, having heard from 111 counties officially and having reliable information upon the eight counties remaining. The state executive committee was able to claim a plurality of 2,362.

At this date the assertion was made that the figures given publication by the democrats showed a plurality for Taylor of 24—that is, that the 111 counties reported officially, together with the democratic estimates for those not so reported, gave Mr. Taylor this plurality.

On November 13 Chairman Long, of the republican committee, gave forth his figures in every county of the state and challenged comparison or correction. He formally claimed the election for the candidate of his party by a plurality of 3,111, saying in conclusion: "The plurality is small, but is sufficient, and no technical objections can efface it from the records or defeat the will of the people. The people of Kentucky know that Mr. Taylor has been elected, and I believe that they, regardless of party, will see that the mandates of the people are carried out. If there is any error in these figures, let the people in the counties point them out."

His tabulation of pluralities was:

Official, Taylor, 27,121; Goebel, 29,305.

Unofficial, Taylor, 6,424; Goebel, 1,833.

Not counted or certified, Taylor, 704, Goebel, —

Totals, Taylor, 34,249; Goebel, 31,138.

The unofficial vote referred to, Mr. Long explained, was in the counties of Floyd, Harrison, Jefferson, Johnson, Knox, Lewis, Menifee, Nelson and Rowan. There was no good reason, he said, why the vote in any of these, except Jefferson county, should be delayed. Two of these showed Goebel pluralities and the others heavy Taylor pluralities. Upon these for a time the election hinged.

* * *

Nelson county seemed at first to threaten serious jeopardy to the Taylor plurality. When the county board met it divided

Mr. Taylor's vote into 1,123 for "W. T." Taylor and 75 for W. S. Taylor. This would have given Mr. Goebel 1,887 plurality over W. S. Taylor in Nelson county, instead of 689 conceded by the republicans. The question arose over the fact that all precincts but one had returned tally sheets upon which Mr. Taylor's initials were incorrectly printed. It was plain that the vote had been cast for none other than W. S. Taylor, especially as it developed that Mr. Taylor's name on the ballots had been without flaw. The county board, however, refused to prepare a certificate showing that.

Mr. Taylor and all of the republican candidates sought of Circuit Judge S. E. Jones a mandamus for the correction of the return by the county board, which was refused. Mr. Taylor alone then applied for a mandamus against the precinct officers for a correction. Judge Jones heard proof on this and promptly granted a mandatory injunction. The precinct officers withheld the correction pending an appeal. The court of appeals, through Judge Hazelrigg, sustained Judge Jones, leaving Mr. Goebel's plurality in the county 689, instead of 1887.

Judge Jones was a devoted partisan of Mr. Goebel, being his state central committeeman from the third district. His brother, who appeared as an attorney for the defendant election officers, was a member of the district organization. Great attention was attracted by the case and Judge Jones' decision in the case was awaited in much suspense, the outlook for strict justice in the matter being considered in some quarters as not very rosy. The result of the court's impartial decision was, therefore, the signal for a flood of congratulation from all sides, his impartial course being hailed as an indication that the judiciary of the state had not been tainted with partisan prejudice. There was much feeling over the whole Nelson county proceedings. Charges were made that persons supervising the preparation of the return blanks had knowingly permitted the error to pass without correction, but vehement denials from all concerned met this.

* * *

There were difficulties for Mr. Taylor in Harrison county, too. The local board insisted upon rejecting a precinct that gave a plurality of 133 votes for the republican candidates on the ground that a candidate for councilman had been in the poll room in the course of election day. Judge W. W. Kimbrough, of that circuit, was appealed to for a mandamus and it was granted, the board being required to certify to the vote cast for Mr. Taylor. Judge Kimbrough was a warm adherent of Mr. Goebel,

and his judgment was hailed with almost as much acclaim as Judge Jones' in the Nelson county case.

The Kimbrough decision was also appealed by the Goebel people, they making their application to Judge Paynter, who reversed Judge Kimbrough, which left Mr. Taylor without the 133 votes he had recovered.

Oddly enough, the councilmanic candidate who had caused all the trouble was left undisturbed in a victory attained by carrying the precinct. This was owing to the decision of the county election board in his case, which, under the Goebel election law, was final and conclusive.

* * *

In Lewis county the commissioners did not certify the vote until November 13. At Vanceburg, the county seat, there was a significant demonstration during the final sitting of the commissioners. Two heavy republican precincts were questioned and it appeared that they would be "thrown out." The vicinity of the courthouse where the local "triumvirate" was conducting its deliberations was black with what was described as "no less than 500 cool, resolute and determined citizens." The crowd dispersed when it was learned that the board would include every precinct in its return to the state board. The county gave Mr. Taylor 845 plurality.

* * *

At about the same time public attention was directed to Knox county. Here the commissioners held several sessions at which, it is said, they debated whether to "throw out" the entire vote of the county because of "tissue ballots." On November 13 they certified to the entire vote of the county, which gave a Taylor plurality of 1,385. While they were engaged in this a gathering of 3,000 citizens outside the courthouse was waiting for them to do it. Of this assemblage it was said, "There was no disorder, but every man had a look on his face which boded no good to the commissioners in case the scheme to deprive the voters of a fair count should go through."

In order to avoid trouble, Mr. Taylor's attorneys sought a mandamus at the hands of Circuit Judge Brown, who required the board to certify to the vote cast; but it appears that the mandamus was not served. When the members signed the excitement subsided. It was claimed by partisans of Mr. Goebel that the gathering was very disorderly and very well armed, which in turn was denied over the signatures of county officers and others.

* * *

Johnson county's vote was for Goebel by 878 and was not

reported as having passed the local Goebel election board for a week after election, but it was finally certified. Local sentiment strongly favored this decision. Thin ballots had been complained of here.

State Senator T. S. Kirk (rep.), of that county, described the proceedings in these words to a Louisville audience:

"That triumvirate that were to do the counting got together and said on the night before, 'We will just simply certify that there has been no election held in Johnson county.' The people found that out, and, like the time in revolutionary days, when England put foot on American soil and started her armies across the land to destroy the stores at Concord and the fires were built upon the mountain tops, and when the valley sent horsemen far and near, so were the people of Johnson county aroused that night, and so did they act. Within fifteen minutes after that announcement was made twenty-five men were riding in the county of Johnson, telling the citizens that we are going to be disfranchised, and the next morning there was a crowd of citizens in town, not toughs, not lawless mountaineers, but the citizens of the county that represented the taxpayers—republicans and democrats—and when the election commissioners came out on that morning they found the town filled with sober, honest, intelligent men, not talking, but just standing around like they were going to a funeral, and, indeed, the commissioners believed they might be. For the first time on the night before they went to count the votes of Johnson county, it was announced that the ballots were thin and the election was not legal, and that was to be their pretext for throwing it out. It had not been heard on the day of the election. It was the quietest election we ever held. They knew we were going to vote, and vote our sentiments, and we did vote, and the only objection we heard at that time was from some democrats because we gave an increased republican majority. The board of the county intended not to count those votes, but they changed their minds and sent the report up to Frankfort, and they did up there with us just as they did with you."

* * *

While the Taylor plurality had been, as a general proposition, decreasing, the Goebel plurality was taking the toboggan slide, so to speak. It grew rapidly smaller as the country returns were certified and sometimes was not flaunted at all. The crash came when on November 17 it resolved itself into a claim for victory for Goebel by just 1.

It was calculated as follows:

Goebel's uncontested plurality on official returns from 115 counties, 3,823.

Taylor's uncontested plurality on unofficial returns from the four remaining counties, 2,171.

Goebel's uncontested plurality, 1,652.

Contested Taylor pluralities, 2,849.

Contested Goebel pluralities, 1,198.

Taylor's plurality of contested votes, 1,651.

Goebel's net plurality of contested and uncontested votes, 1.

After this it was impossible to show anything but a net Taylor plurality. One of 1,912 was conceded, but it was a "contested" plurality. As care was taken to keep up this feature, the republicans declared there would never be an end to the cloud sought to be cast upon their victory. Votes could not be contested before a returning board, they said.

The upshot of the claims and counter-claims was that by the time the state board was to meet, the election of Taylor by about 2,400 was shown, and the other side was determined to challenge votes enough to make the result show a plurality of at least that much the other way.

* * *

The plurality for Mr. Taylor would not down, and the gloom at the Frankfort headquarters of Mr. Goebel grew very tangible. All but a few of his intimates left for their homes, as it profited nothing to loiter about headquarters to learn that another and another county "had certified the vote as cast." So completely had the defeat been recognized that one of the last of Mr. Goebel's lieutenants to leave headquarters gave comfort like this to eager questioners at home:

"Senator," was asked, "is anyone still claiming Goebel's election?"

"Yes," was the reply.

"Who?"

"Mr. Goebel."

"Anyone else?"

"No."

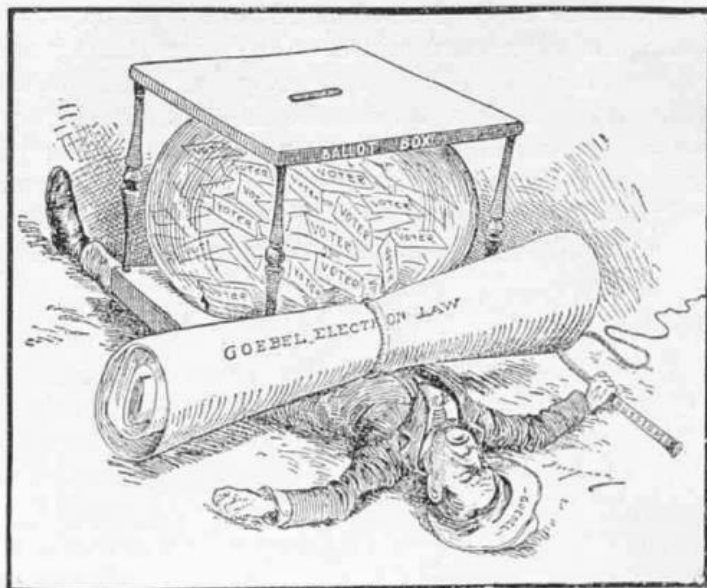
A few days before, at Frankfort, in one of the few newspaper interviews to which he submitted, Mr. Goebel had said, "I know I have been elected."

* * *

A parting shot was given those claiming Mr. Goebel's election when Chairman George W. Long, of the republican committee, issued a statement on November 22 in which he asserted that the election was over and the result determined. Addressing the public as "Fellow citizens of Kentucky," he said:



A DEFECTIVE NET.
Washington Post, December 12, 1899.



SIC SEMPER TYRANNIS.
Washington Post, November 21, 1899.

"Mr. Goebel's friends held this election. Every ballot cast by the people was counted by men appointed by his friends and partisan adherents. Every county return was cast up and certified to by men of his own choosing. Every man whose right to vote was denied was disfranchised by his partisan friends. Ninety per cent. of the ballots challenged and uncounted were voted for Mr. Taylor. Every irregularity complained of in republican precincts was the work of men appointed by Mr. Goebel's fellow partisans. Every change made in the election officers of Louisville and other points were made by Mr. Goebel's friends and in his interest. Every inspector, whether republican, populist, honest election democrat or prohibitionist, who was refused admittance to the voting room to watch the count, or thrust out after being admitted, was ejected by partisans of Mr. Goebel.

"Every technicality intended to rob the citizen of his honestly cast ballot was sprung by his friends and supporters. Every policeman at the polls was his partisan. Every precinct thrown out was a republican stronghold, save two. With all these advantages in his favor and with the suppression of nearly ten thousand votes in the city of Louisville alone, still by the count of Goebel's own election officers and the certificates of his own county election commissioners, Taylor has won by 2,414 plurality.

"And yet the fight is kept up and threats are made that the state board of election commissioners will give Goebel the certificate of election in the face of an admitted plurality for Taylor. And if the state board refuses to override decency and law then we are threatened with a supposedly partisan legislature.

"Having won the fight against the most unfair election law that ever cast its awful shadow over a proud and noble people, the manhood of Kentucky will see that the will of the voters is consummated by the inauguration of Gen. Taylor on December 12, and the installation of the other officers on the first Monday in January."

CHAPTER XVII.

THE LOUISVILLE CASE.—An “Honest Count” Demanded.—Motion to Declare Election in the City Void.—“Military Intimidation” Charged.—Motion Disregarded. Carried by Taylor.

In Louisville the unofficial figures indicated that out of a registered vote of about 42,000, nearly 10,000 electors had not exercised their franchise. To the republican organization it was clear that most of this falling off was from deliberate obstruction of the negro vote on election day and throughout the city. Besides that, the republicans claimed that the packing of precincts with partisan election officers was responsible for part of the shortages also. They maintained that if there had been any democrats who had failed to vote, it was because they did not want to vote for the ticket nominated at Music hall nor for the republican ticket. The difference in votes was very promptly seized upon by the Goebel organization, which at once raised the cry that 10,000 democrats had been frightened away from the polls by the presence of the militia.

The action of the local election board in ousting eighty-seven bone fide republican election officers and replacing them with nondescripts, had aroused extreme distrust of the board, and before it assembled to canvass the vote there was a public meeting held at which some very direct things were said. The meeting was first called for the board of trade building, but the crowd, overflowing it, then solemnly filed through the streets to Music hall which it filled completely. There was no music, no prayer, no song. There were a half dozen sizzling speeches that caught the assemblage in the right mood. An honest count was demanded. There was talk of rope, lamp posts and of the “bourne from where no traveler returns,” but the speakers rather left these things in the undercurrent, whence the enthusiasts for an honest count insisted on dragging them forth with great gusto. Moderation was counseled by the speakers, but the crowd was on the edge of overstepping moderation.

The meeting did not organize into a mob—or rather degenerate into one—but scorching resolutions were adopted demanding a fair, open and honest count in Jefferson county. A committee of three reputable citizens of the county was named to at-

tend the canvass of the vote and keep tally on the work of the commissioners. A meeting similar to this was held in Lexington.

✦ ✦ ✦

On the morning of the first day that the Louisville board sat, there was a considerable gathering about the great gray courthouse, but admittance to the court was limited. As representatives of the meeting, the committee of three was admitted, as were representatives of all parties. The canvass continued for two weeks. It was very slow work, as there was a total of over 200 precincts in city and county to handle and each was gone over very minutely. The Goebel ticket had attorneys on hand who entered protests to the count of many precincts as the canvass proceeded.

After several days the democratic candidates electrified the city by filing the following notice attacking the entire vote of the city of Louisville, to wipe out which would have left a small plurality for Goebel in the remainder of the state:

"To the republican candidates we now give notice that at the close of the count and before the certificates shall be issued, we will move the board and all other authorities that may consider this election, to declare null and void the election held in the city of Louisville, November 7, 1899.

"First—Because of the usurpation of William O. Bradley in calling out and illegally using the militia and overawing and intimidating the voters and officers of the said election and interfering with the progress of said election.

"Second—Because S. B. Toney unlawfully usurped power in requesting said William O. Bradley to call out and use said militia for said purpose, when said call was entirely unnecessary and the civil authorities were able and willing to execute any orders issued.

"Third—Because said militia was used for the unlawful purpose aforesaid.

"Fourth—Because said election was not a civil election but a military election.

"Fifth—Because the said use of said militia was unlawful in every respect and a criminal usurpation of power by said named persons, and thereby the civil power was subordinated to the military power and an overt act of a treasonable nature against the constitution of the state of Kentucky was committed."

This was not acted upon at once but lay over until the end of the canvass. A great many precincts were challenged by the attorneys for the democratic candidates, who also, day by day, introduced affidavits intended to support the charges in the notice.

There were very many of these and they made very strong reference to Gatling guns, bayonets, ammunition, deputy marshals and injunctions.

There was friction over the failure of democratic election officers to certify to three precinct returns. These men having thus failed to complete their work, the democratic attorneys moved that the vote of those precincts be excluded, although the republican officers had signed. The republicans applied to Judge Toney for mandamuses to require the election officers to complete the returns. The mandamuses were given and complied with, but the cry of force was raised by the managers of the democratic campaign, and after they had signed the returns, several of the officers made affidavits that they had signed only under duress and did not believe that the correct vote had been certified.

When the election board concluded the canvass, it had sifted down the work to eleven questioned precincts, which considered as a whole were about a stand-off between Taylor and Goebel, but were so situated that decisions in them affected various legislative races. Five of the precincts were not counted. By the decisions on these eleven precincts two democratic legislators were elected by pluralities of 35.

Consideration of the motion to throw out the entire vote of Louisville and Jefferson county resulted in a decision that the motion could not be entertained, but the board—the two democratic members of it—voted to make a huge mass of affidavits and newspaper clippings furnished by the democrats' part of the record of the election in the county and that it be conveyed to the state board with the certificates of the vote for state officers. The republican commissioner refused to agree to this and wrote a protest on the return. There was intense objection to attaching the affidavits to the return, the claim being made that it was to serve as a pretext to "count in" Goebel.

With the state ticket, the local republican ticket received a majority of about 3,000 and was declared elected. No contest was made. There were three democratic members of the legislature elected from the county, and six republicans. Contests for the seats of all the democrats resulted, and four democrats contested the election of republicans. The democratic contests were on the general grounds of military intimidation, etc. The republican contests were based on charges of irregularities at precincts and by the election board.

Taylor left Louisville and Jefferson county with a plurality of 3,422. By that time all other counties had settled their returns, leaving Mr. Taylor with a plurality of 2,393 in the state. Disre-

garding the vote of Louisville, Mr. Goebel would have had a plurality of 1,039.

Judge Toney hauled up a large number of election officers who had disobeyed his injunction on election day, and was proceeding to fine them for contempt of court when application was made in the court of appeals by democratic attorneys for a writ of prohibition against him. A temporary writ was granted.

* * *

As might have been expected from the progress of so sharp an election, the grand juries of the state found things to be noticed. An unusually heavy list of indictments was brought by the Jefferson county body, and a determined effort was made by the Kenton county grand jury to indict the many against whom complaints had been made. At various other places there were grand jury cases.

Even this activity was overshadowed by the federal court which reconvened in Louisville on November 13. There had been several arrests made on complaints before commissioners of persons charged with obstructing and hindering negro voters in the half dozen larger cities of the state.

Judge Walter Evans repeated his strong charge delivered in October. In the course of about ten days the grand jury had returned about 100 indictments, involving persons in nearly every part of the state. Very many of these had enjoyed prominence in election day activity in behalf of Mr. Goebel. Arrests followed the indictments, and the trials were set for March.



CHAPTER XVIII.

UP TO THE STATE BOARD.—“Count the Vote as Cast.”
Threats to Inaugurate Taylor Upon Election by Face of
Returns.—Democrats Conduct a Counter Agitation.—
Settle's Death.

The idea that the result of the election as shown by the county returns would be ignored by the state board, put a large part of the state into a perfect blaze. The papers were full of reports of indignation meetings from which resolutions were forthcoming against the election machinery and those who sought to question the election of Mr. Taylor. Only a few of them are here given. Pulaski county came to the fore with a set of formal expressions that ended as follows: “We believe in exhausting all peaceable measures to secure our rights, but if necessary to preserve our liberty we are ready to meet force with force and pledge our manhood and all we hold dear to the accomplishment of this end.”

In Whitley county the citizens said many strong things in resolutions and said a few things on the side that would not do to put in the resolutions for publication. Their resolutions said: “Notwithstanding newspaper reports tending to show that certain election commissioners are preparing to throw out votes actually cast in the recent election by qualified voters, whereby the will of the people may or will be thwarted, we still hope and trust that no election commissioners or boards of election composed of Kentuckians can be found who are corrupt enough to do this thing. Nevertheless, if such shall be done, we pledge ourselves as law-abiding citizens and Kentuckians to support the constituted authority of this state in the maintenance of the right of each qualified voter under the law, to vote as, in his judgment, he thinks right, and to have that vote counted as he casts it, and we pledge ourselves that if any attempt shall be made by usurpation or other unlawful means to prevent the will of the people as expressed at the polls at the recent election from being carried out to resist such action by all lawful means possible, and by force if necessary.”

Knox county citizens adopted very long resolutions, the pith of which was:

"That we pledge our money and our lives to resist such awful encroachment on our most sacred rights.

"That we hold ourselves in readiness and now tender our services to that end and to help to inaugurate William S. Taylor as the next governor of Kentucky, by peaceable means if we can, by forcible ones if we must."

Down in Mt. Vernon the republicans and others held a mass meeting at the courthouse. In part they said:

"That we denounce Goebelism in every form. We declare it to be a menace to free government, and an insult to civilization, and we commend the people of Kentucky for destroying this vicious serpent. They have stricken down with an iron hand this tyrant. They have put the heel of disapproval on the neck of this monster and have ground it into atoms. They have removed this usurper from the stage of public life, and have consigned him to oblivion. We congratulate the people of Kentucky upon their manly fight, and pledge to them and to Gen. Taylor the service of the republicans of Rockcastle county in the event the Goebelites undertake to rob us of the victory won. We deplore war, and believe every alternative should be exhausted before engaging in it, but before this ring of looters shall deprive us of the victory won in this contest, we will shoulder our guns and march to the music of war."

* * *

Judge John A. Fulton, one of the Nelson county election commissioners, to some extent woke up the voiceful ones among the Goebel ranks at about the time the "Goebel plurality" was on the wane. He came out in a spirited card attacking the presence of the military in Louisville, saying in part:

"It is small wonder that in the presence of this reign of terror more than 9,000 voters should remain away from the polls. The conclusion is irresistible that they were democratic voters, the vote received by the democratic ticket as compared with the registration shows that much falling off in the democratic vote. These voters knew that this exhibition of force was intended to keep away the democratic voters and to smooth the pathway of the republican voter to the polls. What should be done with the vote of a city so dominated by an unlawful force? It should unhesitatingly be rejected as a tainted thing. The recognition and approval of it by permitting it to be counted would be a stab to the very vitals of free government. Let the people and press of this state rise up and demand in a way not to be mistaken that this omnipotent lie, secured in Louisville by a veritable reign of terror, organized by the Louisville & Nashville railroad and its handmaid, 'The Honest Election League,' shall not be enthroned."

ed at Frankfort. A free ballot can not co-exist with bayonets and Gatling guns."

Following this expression, and also the lead of democratic attorneys before the Jefferson county election board in making various claims of this kind, the democrats in various portions of the state began holding indignation meetings to protest in behalf of Mr. Goebel. They delivered themselves of resolutions of much this tone, condemned Bradley and protested against being "disfranchised" by a "military despotism." Meetings of this kind were held in Graves, Shelby, Daviess, Larue, Lyon, Clinton, Clark, Bell, Hopkins and Muhlenberg and in a number of other counties.

* * *

In the midst of the bickering and crisis of the period in which the county boards were handling the vote, the Hon. Evan E. Settle, congressman from the seventh or "Ashland" district—so called from Henry Clay's home in this section—died suddenly. A few days afterward a special election was called by Gov. Bradley, as provided by law, for December 18, and a large portion of the state found itself confronted with a new campaign before even the old had been terminated beyond question. The district was strongly democratic, having given Mr. Goebel a plurality of over 4,000. There was immediately a scramble for the nomination for the unexpired term, among the democrats. At the convention at Frankfort they nominated June W. Gayle, of Owen county. The platform indorsed the Music hall platform and besides contained unfavorable reference to events dating from the election of November 7. They also expressed a belief in Mr. Gobel's election. There was quite a fight in the resolutions committee before the platform was adopted.

The republicans did not relish another election so soon, but determined to make a nomination. They felt that, confirmed as the seventh district was in the democratic faith, a straightout republican would not poll more than the ordinary strength, especially if there were no side issues, such as had prevailed in the state campaign. The better plan, they thought, would be to affect a fusion with Brown democrats for this election. Accordingly, at a conference held at Lexington they agreed to nominate a man whom the Brown democrats would also nominate. The dual convention took place at Lexington. Both elements nominated W. C. Owens, of Scott county, and he was given credentials entitling him to a place under the republican emblem of the log cabin. The resolutions adopted were quite fervid. The platform was directed mainly at the Goebel election law, the repeal of which at the earliest opportunity was demanded. Mr. Taylor was congratulated upon his election.

CHAPTER XIX.

TAYLOR DECLARED ELECTED.—Indications That Republicans Would Resist Unfavorable Verdict.—The Official Tabulation.—Rumors of Violence and Conflict.—Interest in the State Board's Actions.—Suspense of a Day.—Pryor and Ellis Unite in Giving Certificate to Taylor and Other Republicans.—Poyntz Dissents.—Talk of Contest.

From the beginning the republicans insisted upon one thing bearing upon the power of the election boards in their capacity as returning boards. This was that they could no more refuse to accept returns certified to them from precincts or counties, than they could deny their names. It was maintained that the boards could have no voice in producing the result of the election; the returns settling the result, with only ministerial power upon part of the commissioners to examine the returns and formally indicate the conclusion shown by them.

This view of the duties and powers of the canvassing officers was based upon precedent under the old election law and upon several learned opinions as to the new. Much was made of an expression by Chairman Pryor of the state board early in the campaign when he had been pressed for a distinct opinion upon the powers of the state and lower boards.

* * *

Gov. Bradley appeared to be the backbone of the republicans and those who had voted with them. The end of his term was not before December 12, the inauguration date. It was predicted that an attempt to declare Goebel elected against the face of the returns would find him an obstacle when demand for the office would be made.

From the day after the election the state arsenal was under a picked guard of militiamen. Arms held by members of the state guard were ordered turned in to the state arsenal and there was a quiet movement among the militia, which partisans of Mr. Goebel charged was an effort to reorganize the militia so that its membership would be confined to persons favoring Mr. Taylor's claims.

There was speculation as to the length that Mr. Goebel would go in his desire for the title to the office of governor. Many believed that he would insist upon a certificate from the state board,

then take up an office wherever he might find it practicable or convenient to do so, and by means of test cases involving the title of such other persons exercising executive authority, rely upon the court of appeals for recognition. Failing even in this, he might take his claims to the legislature, which, on party lines, was strongly democratic.

* * *

Even before the state board convened, a rumor at Frankfort disturbed the republicans. It was said that the court of appeals was about to render a decision upon a little Ohio county local option case in which the paper used for ballots figured remotely. It was said that the Goebel people anticipated a decision that would include a definite expression upon the quality of paper to be used for ballots. This was a very disturbing thought to Mr. Taylor's friends who concluded that such a decision at this time would encourage the election board to attempt to question the vote in counties where democrats had raised objections against the ballots. There was no definite standard existing for thickness of ballots.

In spite of the post election campaign by Mr. Goebel against the use of injunctions, it was also feared that Mr. Goebel would resort to an application for an injunction to restrain the state board from certifying the returns from certain counties.

* * *

As the time for the assembling of the state board approached, there was apprehension of trouble at Frankfort. A story to the effect that violent partisans of Mr. Goebel were storing quantities of rifles and shot guns within the hospitable precincts of the penitentiary were circulated industriously. The prison is so constructed as to make an admirable fortress. Warden Eph Lillard entered a stout denial to this tale. Equally unconfirmed was a story that Gov. Bradley's militia had established a small battery on a high hill overlooking the penitentiary inclosure to be in readiness to drop lyddite or whatever kind of shells imaginative correspondents elected to have tossed into the intrenchments.

Heavily armed bands of republicans from eastern Kentucky counties were conjured up as moving on Frankfort with fire in their eyes and their powder dry. Milltiamen, it was claimed, were also on hand from strong republican counties. That 3,000 rounds of ammunition was sent to London for the militia company there, was also charged. On the other hand, the republicans were not slow to assert that ward heelers and bad men from the cities were brought into Frankfort in numbers by the democrats.

* * *

An unfavorable decision by the state board would be the end of Senator Goebel's pretensions, Mr. Taylor's followers believed. Defeat would be so unquestionably stamped upon him by his own election machinery that it would appear maniacal to urge those claims longer.

During all of the general discussion over this not one voice was raised to suggest that Member Poyntz would vote for anything but a certificate of election for Mr. Goebel. On the other hand, Capt. Ellis was early credited with a determination to accept the returns as reported, or, as the republicans put it, "count the votes as cast."

As to Judge Pryor, his record on the bench was taken to put him in the balance with Capt. Ellis, although his personal friendship for Mr. Goebel was strong.

The question often asked, "By how much does Mr. Goebel claim he was elected?" was never answered by any one in authority to answer, and in fact was not answered at all.

* * *

Agitation over the presence of many republicans in Frankfort to attend the count of the vote was very vigorously carried on in the press favorable to Mr. Goebel. It was pointed out that they were eating at boarding houses and lodging in the state arsenal and in the state offices. To this one of the visitors said:

"We are peaceable and law-abiding citizens with no desire to create trouble, and there will be no trouble unless we are provoked wantonly by the Goebelites. It is true we are not stopping at the Capital hotel for we cannot afford any unnecessary expense. We may look rough, too, for our clothes are perhaps not as fine as those of some of Mr. Goebel's followers. We are here simply to see the count and learn whether we are to be disfranchised or not."

It was intimated in some quarters that any disturbance would result in the refusal of the state board to act, and it would declare it dangerous to go on with the count.

The situation beyond doubt, was quite tense about this time. The following editorial comment was made in the *Memphis Commercial-Appeal*, which kept a very close eye on the Kentucky situation:

"Perhaps the Hon. Bill Goebel will have himself sworn in as governor of Kentucky by the coroner."

Mr. Goebel made the Capital hotel his headquarters and was seldom seen by the uninitiated. He was in constant consultation with one or more of his lieutenants.

When the board met in the secretary of state's office in the great, ugly executive building, the corridors and the outer office

were filled with a curious group of onlookers, nearly all of them strangers in the city.

The board was in session three days canvassing the county returns, with scarcely any incident until Gov. Bradley burst into the room in a towering rage. He had just received a written communication from the state board.

"I wish to ask the board's permission to make a public statement," he said, closing his jaws with a snap. Judge Pryor gave the permission. At this, Judge Hargis, an attorney for Goebel, arose and started to ask what matter was to be discussed.

"Sit down!" roared Gov. Bradley, and Judge Hargis sat.

"I want to say, Mr. Chairman, that I came to you and said that if you wanted this place cleared I would do it at once," said Gov. Bradley. "I say that no officer in the performance of his sworn duty shall be intimidated by any one. I say that any man who intimates I called soldiers here is a malicious liar, and I'm responsible in here or out."

With a majestic glance about the room, Gov. Bradley departed. Out in the lobby he saw a young man wearing a soldier's cape.

"Here, take that off," said the governor, "somebody will be saying you are a company of soldiers."

In a letter to him the board had inquired of the governor if it was true, as persistently asserted, that an armed body of men in citizen's garb had been brought with his consent to stand by and overawe the board while in the discharge of its duties.

Before beginning argument, the democrats moved that the entire vote of four counties be thrown out. They were Knox, Pike, Johnson and Jefferson.

Thin ballots were charged against all the counties except Jefferson, and the complaint there was "military intimidation," etc. Mr. Goebel's attorneys sought to make the board believe that as a returning board it had the right to reject returns, and then went into a discussion of the matters upon which they based their motion to exclude the vote of the four counties. The republicans in their argument ignored the alleged reasons for rejecting the counties. The board must count the votes returned, not less, was their position, and they concentrated their argument upon that.

* * *

After the argument, Messrs. Pryor and Ellis went immediately to work to prepare their decision. It was soon observed that Mr. Ponytz did not remain closely in their company, and in fact drew away from them and loitered about the hotel lobby while they were busied overhauling law books and digging out author-

ities and comment. It was apparent that Mr. Poyntz' path had diverged from that of the two other commissioners, and as Mr. Poyntz' position was well known, it was immediately hailed as a good omen by the adherents of Mr. Taylor. It was not long before Messrs. Pryor and Ellis hinted to their friends that they were going to make a majority report in favor of the republican ticket, and despair settled down over the Goebel camp, while a thrill of relief passed over the other.

Mr. Goebel was on the scene throughout this. It was rumored that he was greatly disappointed at the position taken by Judge Pryor, and that there would probably result an open rupture between them.

The main hope of the Goebel partisans then was that the decision of the state board, while favoring the republicans, would be "spiked" with an ungracious reference to the grounds of protest against various returns.

✦ ✦ ✦

Messrs. Pryor and Ellis, as a majority, concurred in an opinion that gave the certificate of election to Mr. Taylor and his ticket. The returns as received from the county boards were accepted without change or amendment and the result certified. This gave Mr. Taylor 193,714 votes, Mr. Goebel 191,331 votes, and Mr. Brown 12,140 votes, Mr. Taylor's official plurality being 2,383 votes. The Brown vote proved to be larger than had been conceded by the Goebel people.

The affidavits and exhibits sought to be made part of the record from Jefferson and other counties, were determined to be inadmissible as part of the return. They were declared to be ex parte evidence at best, and the board could not recognize them. Messrs. Pryor and Ellis went into a discussion of military demonstrations and of injunctions to some length, taking occasion merely to say that they disapproved performances such as had been charged. The presence of militia under arms on election day and the practice of using injunctions was, they thought, very reprehensible.

The minority report of Mr. Poyntz began by saying that "the democratic candidates were legally elected." He then referred to the alleged defects in the ballots in Knox, Johnson, Magoffin and Pike counties and the alleged use of Gatling guns and bayonets in the city of Louisville. Almost his every statement was thereafter challenged by republican leaders. Messrs. Pryor and Ellis also were called to account for making comments upon matters that had been broached only in confessedly ex parte form. Ex-Gov. Bradley was moved to come out in a sharp statement upon this point. He gave a review of his actions in

regard to the militia in Louisville and Covington and then went to that popular authority, Cooley, for justification for his conduct.

* * *

In Knox county, John Henry Wilson, whose home it is, furnished the most amusing side issue in the whole election. There had been a dispute over the seat in the twenty-seventh judicial district. Judge Eversole had been displaced by the appointment of Judge Brown. Mr. Wilson looked up his law and found that if Judge Eversole had vacated his office, as had been claimed there should be an election in 1899 and that Judge Brown's term would last only until some one was elected at such election. No election had been ordered. Mr. Wilson did not go about telling this to every one and bringing on a race with a dozen entries, but on election day quietly went to work among his friends, asking each to vote for him. He supplied them with pasters bearing his name and the title of the office to which he aspired, and these they placed on their ballots in the absence of any names at all. In this way Mr. Wilson obtained 94 votes.

This matter became a great problem for the state election board, which deferred final action. Mr. Wilson claimed that an election should have been ordered, and pointed to authorities to show that where there is a failure to order an election, where one should have been ordered, the voters may go into one without notice. Having received the highest number of votes cast—in fact, all of them—he claimed the office.

* * *

Close upon the decision of the board came the news that Judge Pryor would resign from the board on account of feeble health.

The next thing to happen was a decision by the court of appeals in the writ of prohibition against Judge Toney. The board decided to make the writ perpetual, the four democratic judges concurring the opinion, and with also partial concurrence by one of the republican judges. It amounted to a decision that the Brown democrats were not entitled to inspectors at the election and were not a separate political party.

On the next day after the court of appeals came to the front with another decision bearing upon the election contentions. In the case of an Ohio county local option law it rendered a long opinion, in the course of which it touched upon the matter of the thickness of the ballots to be valid in an election. The four democratic judges united in the deciding opinion. The republicans dissented.

* * *

Would Goebel contest?

Senator Blackburn said he thought that all the candidates would take that step. Mr. Goebel affected to take the decision of the board very coolly. There was a hurried conference of leaders and a call was issued for a meeting on the 14th to discuss the matter and decide whether a contest would be made by the democratic candidates.



CHAPTER XX.

TAYLOR INAUGURATED.—Cheerful Crowd.—The Colonels.—Democratic Candidates for Minor Offices Serve Notices of Contest.—The Big Conference.—Goebel Decides to Contest Before the Legislature.—The Gayle-Owens Race.—Pryor and Ellis Resign.—Gov. Taylor Seeks to Appoint Successors.—Poyntz Names Fulton.—Two Name Yonts.—Suit to Settle Contention.—Legislature Democratic in Both Branches.—Goebel Has a Caucus Called.—Anxiety in the Anti-Goebel Ranks.

Gov. Taylor was inaugurated in approved fashion on December 12. A week before that date he did not know what his fate would be, nor did the citizens of Frankfort, upon whom it devolved to arrange the festivities in following an old and long established custom. However, a local committee had begun preparation a day or two before the state board's verdict was rendered, believing that there would be an inauguration of some one on the 12th, the regular date. It is related that a staunch admirer of Senator Goebel put in the strongest licks on the stand erected in front of the capitol for the speaking, feeling sure that Goebel would occupy it. The stereotyped Frankfort addresses of welcome to the new chief executive and of parting to the old were dug out of pigeon holes and dusted up by the mayor.

As usual a great crowd of visitors was pouring into Frankfort by the railroads, there being excursions from all sections of the state. All types were represented, and they mingled with each other in perfect good humor. There was a little parade, lacking some in pomp, only one company of militia being in line. Usually there is a great display of militia, in order to make an attraction for sightseers and bring in greater crowds, whereby the shopkeepers of Frankfort are benefited. In this case Gov. Taylor requested that only the local company turn out.

The statehouse yard was packed from the big iron fence to the stand when the ceremonies took place. Shortly before the exercises were to begin two young men climbed upon the stand, produced hammer and nails and to the picture of Gov. Bradley that hung at one side of the canopy nailed cards bearing the words, "Our Next Senator." Thus naively was Gov. Bradley's senatorial boom launched. The crowd cheered.

The music of bands announced the approach of the parade, and when it stopped in front of the capitol grounds the services of the militiamen were required to form a pathway through the throng to the stand. There was a wild rush for the carriage in which rode the two governors, and they were penned in the vehicle by those who sought to shake hands with them. They finally extricated themselves, and, escorted by Gov. Bradley's staff of forty or fifty colonels, marched up to the stand.

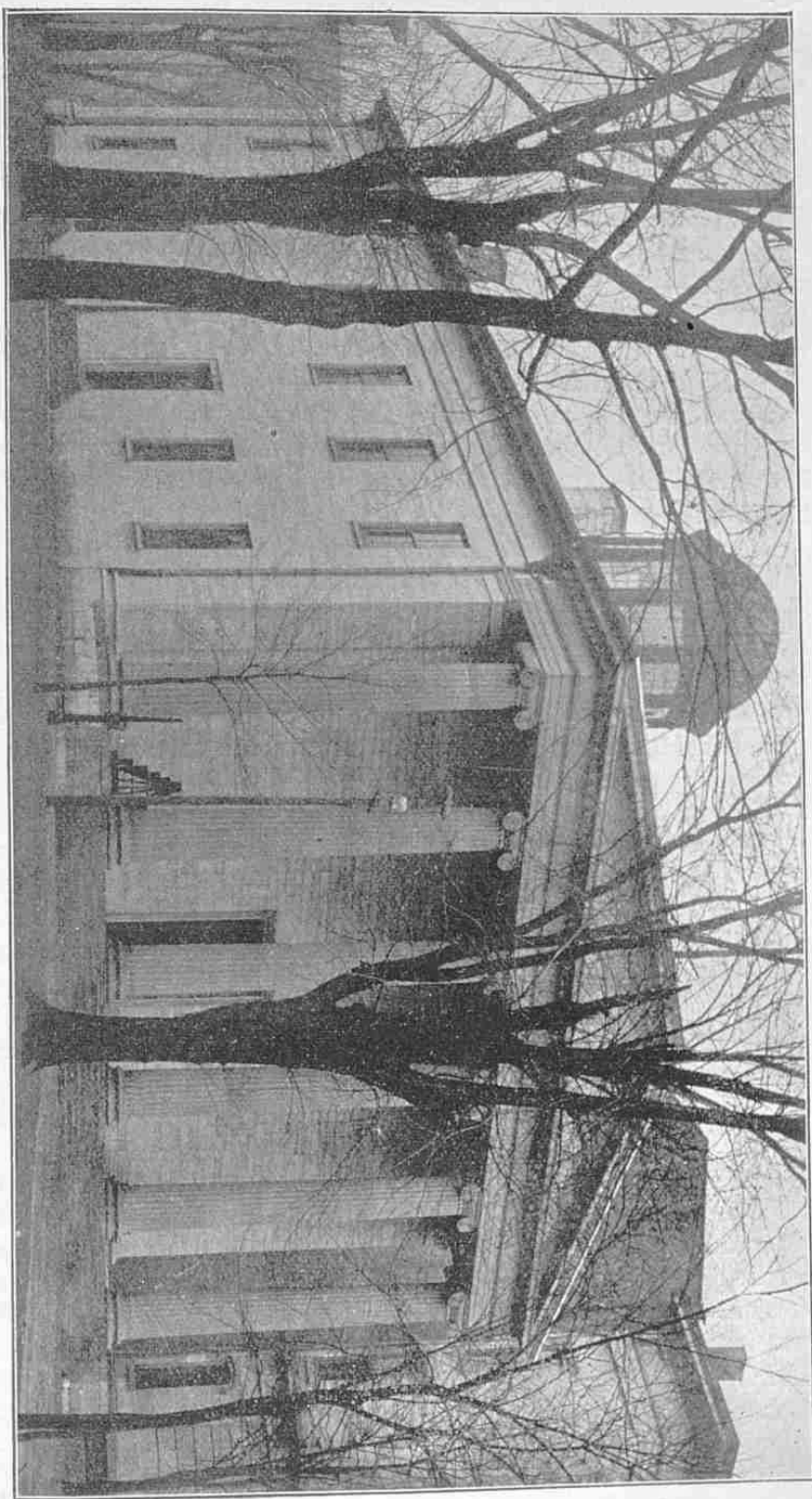
The Kentucky colonel is no myth. Gov. Bradley had sixty-three, having complimented friends in the ranks of all political parties with appointments. By law the governor is permitted to appoint a personal staff, all of whom bear the title of colonel. Besides these, he may appoint an unlimited number of honorary colonels. All of the straight colonels wore dazzling uniforms and swords that had been scathed by the powder of many a ball. The multitude cheered when the party walked into view on the platform. Gov. Bradley wore his famous white hat, such a familiar figure in the campaigns of many years. He also wore a great brown overcoat, which completed his make-up. Gov. Taylor wore a black Prince Albert and black tie, a modest make-up of another characteristic style. The band played "My Old Kentucky Home," which it always does at inaugurations.

Gov. Taylor's wife and seven children were on the stand, Mrs. Taylor seating herself beside her husband. There was prayer, and then a little address by the mayor of Frankfort, presenting a testimonial of respect to the retiring governor. Gov. Bradley made his farewell address. He said in part: "Today another assumes official robes; one who has made a gallant, manly and able fight for human liberty. That his administration may be eminently successful and that he may be spared many of the responsibilities that were visited upon his predecessor is my sincere wish."

Gov. Taylor was presented by the speaker, who had earned much applause, and the new governor was greeted with an uproar that testified to the delight felt at his success after many vicissitudes. He made only a brief speech, in which he said this: "It is not necessary, at present, for me to speak of those matters of administration about which there is no especial anxiety or fear. The verdict rendered on the 7th of last November was a mandate of the people of this commonwealth in favor of civil liberty. It was the triumph of the people over a merciless, remorseless partisan machine to enslave them. It has no other political significance."

Having completed his remarks, he turned to Chief Justice Hazelrigg, who was to administer the oath of office, and said he

KENTUCKY'S HISTORIC CAPITOL.



was ready. The Kentucky oath is as follows, peculiar as it may seem, and is an institution handed down from the time when the code duello flourished:

"I do solemnly swear that I will support the constitution of the United States and the constitution of this commonwealth, and be faithful and true to the commonwealth of Kentucky so long as I continue as a citizen thereof, and that I will faithfully execute to the best of my ability the office of governor according to law; and I do, further solemnly swear that since the adoption of the present constitution I, being a citizen of this state, have not fought a duel with deadly weapons within this state, nor out of it, nor I have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as second in carrying a challenge, nor aided nor assisted any person thus offending, so help me God."

Lieut. Gov. John Marshall was also sworn in.

There was little talk of politics in the crowd and no clash of opinions. Of course, mutterings were heard, such as "We'd have put him in anyhow if they'd counted him out." The only ripple that passed over the crowd was when it was learned that the minor state officials-elect had all been served with notices of contest by their democratic opponents. Little regard was given them at the time, many concluding that it was done mostly to put a damper on the otherwise smiling event.

Mr. Goebel had gone to Covington over inauguration day and the members of his circle had also left the capital to the free enjoyment of the republicans and their friends. However, they all returned on the next day to the meeting of the state campaign committee, the state executive committee and the state central committee, to discuss the advisability of entering contests for governor and lieutenant governor. It had been believed that the contests for minor offices also would come up at this council, but it was forestalled by the early decision of the minor candidates to contest.

The big conference took place at the Capital hotel on December 14. It was stated that Mr. Goebel was not at all eager to contest, and would leave his decision to the will of the party, as expressed in the council. It was pointed out, however, that all of these owed their position in the organization to Mr. Goebel. Letters from all over the state, it was said, were pouring in upon Mr. Goebel urging him to file notice of contest. The conference took place, nearly every member of the committees and many other prominent democrats attending, members-elect of the legislature among them. They were first assembled and addressed by Mr. Blackburn, who said he was responsible for the call, and

added that he did not desire to influence any one by impressing the probability that a decision to contest would unfavorably affect his senatorial aspirations. Ex-Gov. McCreary spoke, claiming intimidation in the election by the state military authorities and by federal authorities. After a little further discussion Mr. Goebel and Mr. Beckham were sought. They were in the building. When found Mr. Goebel said that it was immaterial to him whether the race for governor were dropped or pushed in a contest, as he was ready to let the fight drop. However, if the democratic organization deemed it best that contests should be made and the party spoke through the regular organization, he would resume the battle. Speeches were made by several persons who were warmly in favor of a contest and a vote was taken, each member of the conference being called upon singly to vote openly for or against a contest. It was announced to the public that the vote for a contest had been unanimous.

"Being a loyal democrat, I shall obey the mandate of my party and make a contest before the legislature for the office of governor, to which I was legally elected," Mr. Goebel then said.

After this meeting it was regarded as established that Mr. Goebel would contest, and it was said that formal notices would be forthcoming very shortly, as the time for taking proof would end with the 21st inst., according to law, if the notices were given before the legislature convened on January 1.

✦ ✦ ✦

The news that Mr. Goebel would apply to the legislature for the office which the state board had refused him occasioned not very much comment after the action of the other candidates in filing notices of contest, as they had been credited with being the more reluctant to question the decision of the election board. Their action had been something of a surprise. The republicans promised to show enough bona fide irregularities in democratic counties to offset those charges, even if they could be proven, which they denied.

After notices of contest against them had been filed the republican state officers-elect held a meeting and ex-Gov. Bradley took the leadership of their cause. State Campaign Chairman Long sent out an appeal for funds for defense, and other arrangements were made. A chairman for each congressional district was named and work was begun to assemble all the evidence available for a counter claim against Goebel and Beckham. All of the republican officials concerned were determined to fight to the bitter end, and they expressed intense indignation at what they termed the display of sublime effrontery by their opponents. Whatever the support Mr. Goebel and his fellows would receive from the

party organization, they declared, the public would repudiate the contests.

✦ ✦ ✦

The republicans made the point that the governor could fill vacancies on the election board during a vacation of the legislature, and should Judge Pryor resign before the assembling of the legislature on January 2, Gov. Taylor could name his successor under a constitutional provision.

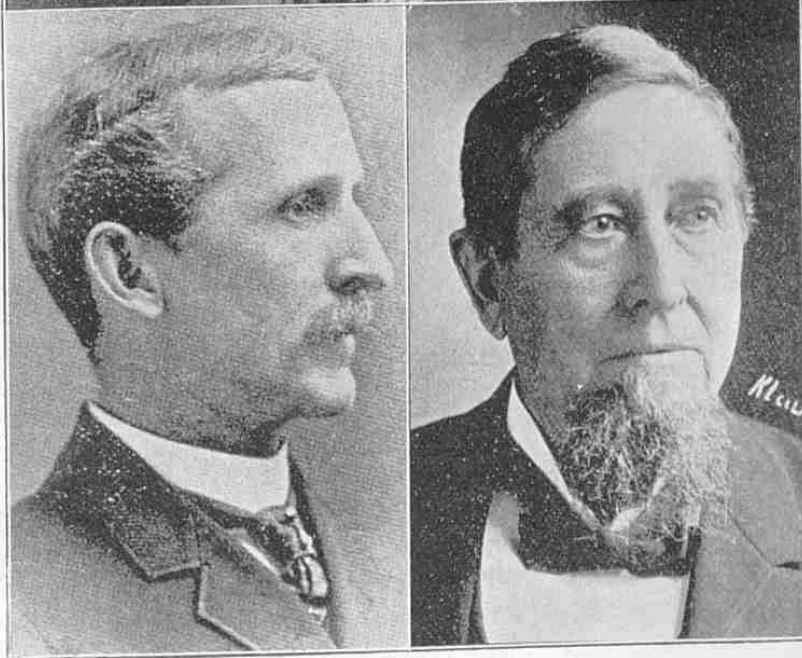
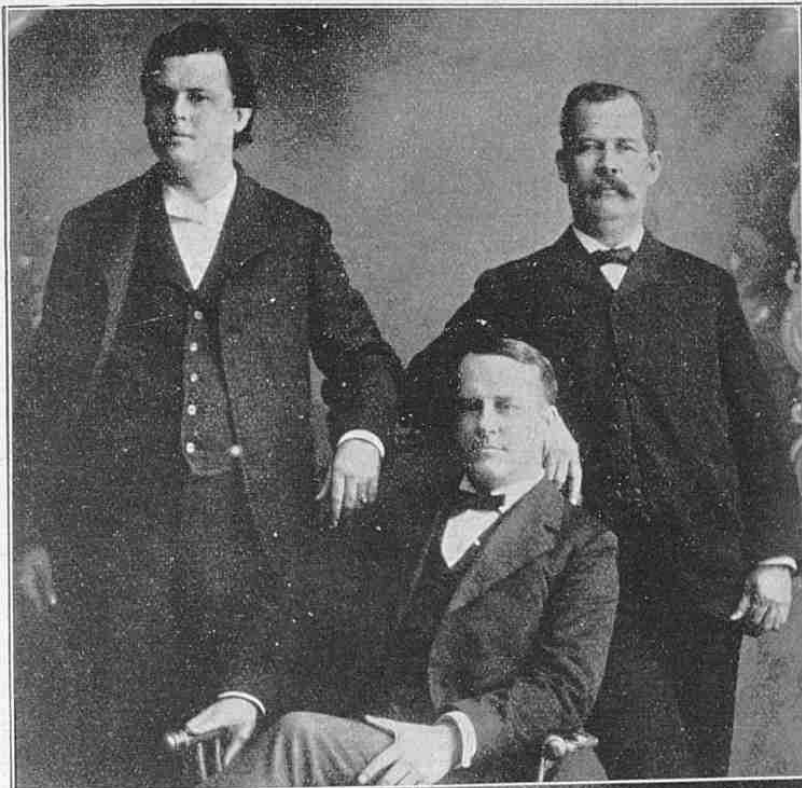
The Goebel law uses this language: "If a vacancy or vacancies occur in said board whilst the general assembly is in vacation, the same shall be filled by appointment by the remaining members of said board."

This was considered as giving the board too much latitude to be constitutional, and the possibility was suggested of two vacancies. Then, it was asked, could the remaining member appoint a majority of the board—create a board, so to speak? Suppose the sole member should be Mr. Poyntz, and he assume to name the two other members? This suggestion was not relished by the republicans. They pointed to a constitutional provision giving the governor power to fill vacancies in state offices. Gov. Taylor, being advised by counsel, decided to appoint some one to any vacancy in the board that should occur. It was believed that Judge Pryor hesitated about resigning before the convening of the legislature, in order that a conflict of authority between the remaining members and the governor might be avoided.

A meeting of the state board was deferred from day to day without this matter being precipitated. However, on December 22 a meeting of the board was necessary to canvass the returns in the seventh congressional district election, in the race between Gayle and Owens. There had been little interest in the race and the result hardly in doubt. The election took place on the 18th, Mr. Gayle receiving a majority of 4,136, which was only ten more than Mr. Goebel received in the district. The total vote, however, was lighter. There were no complaints on either side. That Mr. Owens did not come closer to victory was explained by a failure of the republicans to take great interest in the fusion candidate, and a general conviction that it was impossible to defeat the democratic nominee in the district. As he was reasonably popular and appeared to have at least as much party support as Goebel had.

When the board assembled Capt Ellis came to the front with a supplementary report on the election, which took the shape of a recommendation for a return to the old viva voce system of voting and condemning the secret ballot.

Judge Pryor announced his intention to resign at once. "Then



STATE BOARD OF ELECTION COMMISSIONERS.

Morton K. Yonts Charles B. Poyntz John A. Fulton
W. T. Ellis W. S. Pryor

"I'll resign, too," said Capt. Ellis, and he did. Mr. Poyntz immediately appointed Judge John A. Fulton, of Nelson county, who had committed himself so strongly on the grounds of contest. The board, as constituted then, had already a majority in favor of the contest contentions. They would handle the minor office contests while the legislature would be engaged with the contests for governor and lieutenant governor. In a few days Poyntz and Fulton named Morton K. Yonts, of Muhlenberg county, as the third member of the board. He was also a democrat of strong convictions.

Gov. Taylor had been considering the matter, and right after Christmas named Judge A. M. J. Cochran, of Maysville, a republican, and W. H. Mackoy, Brown democrat, of Newport, members of the board to succeed Messrs. Pryor and Ellis.

In a few days Poyntz, Fulton and Yonts filed a suit in the Franklin circuit court against the governor's appointees to enjoin them from qualifying.

* * *

December 21 had passed without notice of the Goebel and Beckham contests being served upon Gov. Taylor and Lieut. Gov. Marshall. Instead, a special committee that had been appointed at the democratic conference issued an address to the party bearing upon the decision to contest, intending to explain the determination.

Just what was holding off Goebel's notice of contest was variously conjectured. Many of the republicans were ready to believe that the idea had been abandoned because of a weak case or an unfavorable aspect of the legislature. It was known that democratic members of the legislature were being sounded. The republicans themselves were doing some sounding, and they believed the legislature on a contest vote would be against Goebel. While the republicans felt reasonably safe about this, they saw only the most faint hope for the election of a senator of their choice. Various plans were discussed with regard to organizing the general assembly. One was to join with anti-Goebel democrats to elect officers in each house. The most hope of such a culmination was in the senate, where, on party lines, the membership stood: Democrats, 26 (including two populists); republicans, 12. However, four of the democrats were counted as safely anti-Goebel, as were the two populist members, who voted usually with the democrats. In the house there were 58 democrats and 42 republicans, with the certainty that a few of the democrats would vote against radical measures proposed in the name of the party.

Chairman Allie W. Young, of the democratic committee, dur-

ing December issued a call for a caucus of the democratic members of the general assembly for the night of January 1. This call was made the subject of a great deal of agitation. The nature of the business to be considered at the caucus was not stated in the call. It was charged that it would be sought by Mr. Goebel to bind those participating to support him in his contest. This must have proved dangerous, as Mr. Young shortly before the caucus made public a supplementary statement in connection with the call, indicating that nothing of this kind would be attempted. As a counter stroke to the allegations made that Mr. Goebel was deferring filing notice of contest till he could feel his way to success by sounding the legislature in the caucus, the Goebel people circulated strong rumors of attempts to bribe members of the legislature to vote against the Goebel contest, and the position seemed taken that any democrat remaining out of the caucus or voting against the contest would be considered subsidized by the opposition.

There were rumors occasionally of a decided defection in the democrats' ranks, but as the time for the caucus approached it was seen that there would be a quorum of each house in the caucus. The republicans issued a call for a caucus also, but with only a faint hope of being able to name a single candidate that would defeat any democratic caucus nominee. Ex-Gov. W. O. Bradley was almost from the outset considered the caucus nominee for United States senator, although Congressman Vincent Boreing, of the eleventh district, was pushed for the empty honor by his friends. There was talk of throwing the vote to Senator William Lindsay, to P. Wat Hardin, to ex-Gov. John Young Brown and others, but the nearer the meeting of the legislature approached the more futile seemed any such plans for the senatorship.

While it was considered almost inevitable that a quorum of each house would attend Mr. Goebel's caucus, this did not necessarily mean that he could obtain the vote of a majority of the democratic legislators to seat him. Being a man of startling devices and apparently limitless resources, there was, however, fear that once he organized the house and senate he could make this a stepping stone to further progress toward his object. The majority of the members of the house and senate were dependent upon the party organization and the organization had shown itself dependent upon Mr. Goebel by its action in calling upon him to contest. No one knew what the caucus might bring forth eventually.

CHAPTER XXI.

THE HARREL SENSATION.—Exposure in the Caucus. Solidifying Democratic Legislators for Goebel.—Blackburn Nominated for U. S. Senator.—Gov. Taylor's Message.—Legislative Anxieties.

"I want to say to you that these keys unlock a private box in the Louisville Trust company vault, where, if I should at this good hour, have failed to come to the caucus, and failed to support my party, I might hang my head and go and get four one-thousand-dollar bills and five one-hundred-dollar bills; but there is not enough money in all this land to bribe, buy, or muzzle or intimidate me."

This was portion of a speech made in the senate democratic caucus at Frankfort on the evening of January 1, where Senator Goebel mustered 21 democratic senators. The speaker was Senator S. B. Harrel, of Russellville, Logan county, and he delivered his startling charges with all the impressiveness he could command, while Senator Goebel, as chairman of the caucus, beamed down upon him with the triumphant air of one who has brought things to pass.

There had been much curiosity aroused as to the possible developments in the democratic caucuses. The senators had by far the larger crowd of sightseers, the meeting being thrown open to the public. Very few had been let into the secret of what was going to happen, but the impression had been circulated that something startling was going to take place.

Very promptly after the organization of the senate caucus, Senator Goebel being installed as chairman, Senator Harrel claimed the attention of the chair and dramatically strode to the desk with two little keys dangling from a finger. Then he launched into his speech, which set the crowd into an uproar. Harrel's charge, as he made it in his speech, was that he had been approached by one John Whallen, of Louisville, and offered \$4,500 to remain out of the democratic caucus and oppose Senator Goebel's contest for the governorship. Whallen had been prominent as an anti-Goebel democratic worker, of great shrewdness as a campaign handler. He had been active in the Music hall convention in every anti-Goebel deal and was very active throughout the campaign.



THE END OF THE HUNT.
Louisville Dispatch, January, 1900.



AT LAST!
Louisville Times, January, 1900.

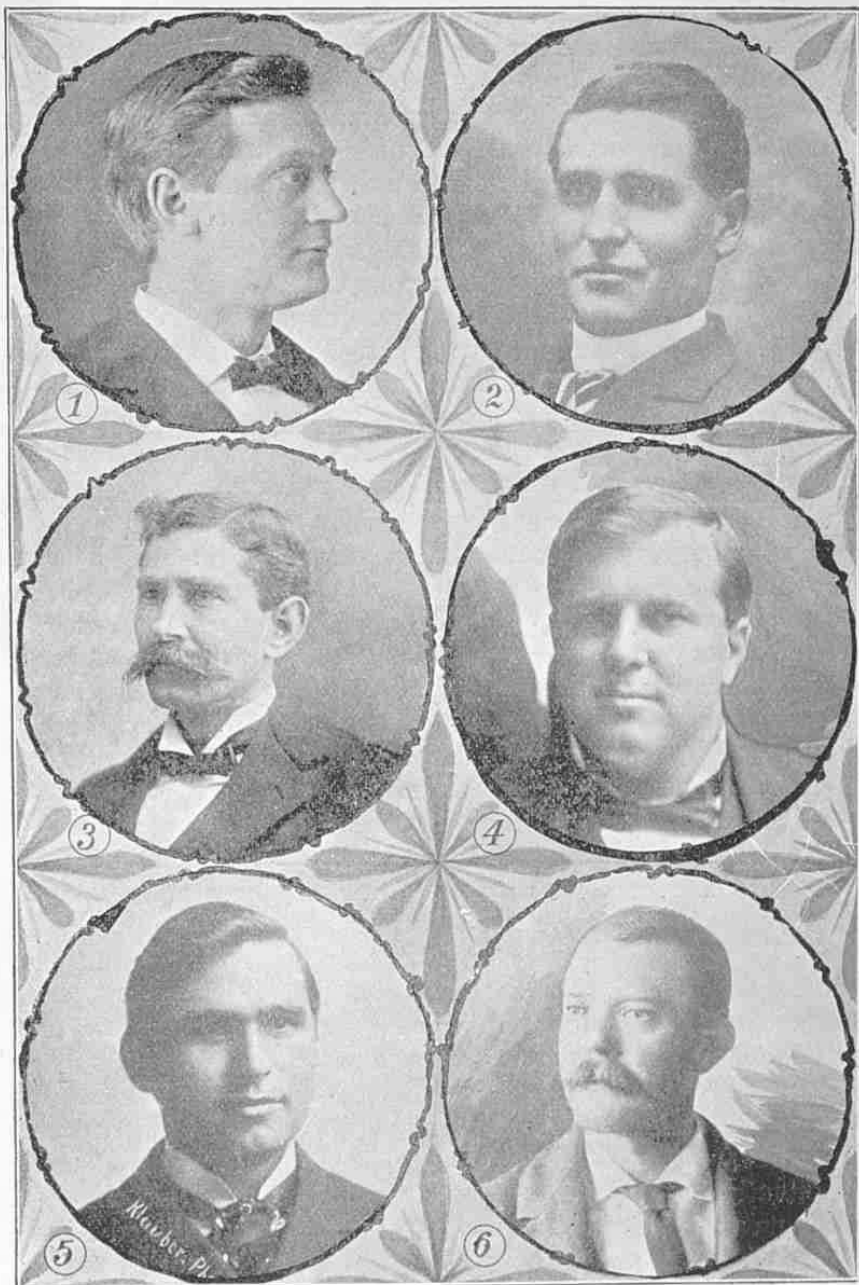
The exposure in the caucus created a profound impression. Little was known of Senator Harrel, but as he had produced keys and mentioned names his story was very readily accepted. Coming as it did right after the Goebel people had been hinting at the use of money to keep the democrats out of the caucus, the exposure came in very neatly. The spectacular manner in which the case of Harrel was utilized boomed Goebel stock immensely, and doubtless a fear seized some of the democrats that they would be strongly suspected of having been corrupted if they remained out of any of the caucuses.

After the meeting Harrel went to the local authorities and swore out a warrant against John Whallen and Charles Ryan, the latter of Russellville. Whallen was at Frankfort during the caucus, but after the exposure left for Louisville on the very first train.

Senator Harrel, in giving a statement of the case, claimed that he had been first approached shortly after the election and asked if he would be against Senator Goebel. With the idea of entrapping the persons, he said, he agreed to go to Louisville, where he met Col. Whallen. The latter promptly asked him, said Harrel, what was his price to remain out of the caucus and vote against Goebel. Senator Harrel just as promptly named \$5,000 as the price. After some haggling the amount was fixed at \$4,500. He was then taken to the Trust company, where deposit boxes were for rent; a box was rented and the money placed within. Three keys were procured, one of which was given to Harrel, Whallen retained one and another was given to Ryan, who had accompanied them in the transaction. The vaultkeeper was given instructions by Whallen not to allow the box to be opened except in the presence of all three persons. Following this, Harrel said he had been in conference with two other senators to arrange to remain out of the caucus. He had backed out when it was proposed to sign a statement for publication that all three were to remain out of the caucus. Afterward a paper was brought to him, which was to be signed by him and six other senators and which bound them to remain out of the caucus and vote for one of the populist senators for president pro tem. He signed the paper.

Unsparring as was the public censure of Whallen, Senator Harrel was no less the object of rebuke. He was condemned along with Whallen for engaging in such a transaction as he described. As for the theatrical manner in which the exposure took place, it was compared to something of the kind managed by the astute Senator Goebel not many months before.

In April, at Frankfort, there had been a hotly contested race



A GROUP OF LEGISLATORS.

1.—Senator W. Volers. 2.—Representative E. E. Trivett. 3.—Representative Wm. Lewis. 4.—Representative C. A. Nelson. 5.—Representative Claude B. Terrell. 6.—Representative A. P. Crawford.

for the democratic nomination for railroad commissioner. Senator Goebel managed the fight for C. C. McChord. The opposing candidate was State Senator George Alexander, of Louisville. The race was very close. Just before the vote was to be taken a delegate in a dramatic manner announced an attempt had been made to bribe him with \$400. He made a spectacular speech and deposited a handful of money on the speaker's table. The man he accused was on the other side. McChord people made the most of the exposure, indulging in indignant speeches. Then the committee on credentials brought in a report unfavorable to Alexander and it was adopted by a close vote, putting Alexander out of the race. After the convention Mr. Goebel was credited with arranging this display for the purpose of influencing the convention against Alexander and in McChord's favor. The accused delegate was indicted in the Franklin circuit court, but had not been tried when the Whallen-Harrel affair came up.

Whallen went back to Frankfort on the day following and met a warrant charging him with an attempt at bribery. He was held over to the grand jury under a \$10,000 bond by the county judge. He enlivened the case by declaring that he had not attempted to bribe Harrel, but had merely entered into a legitimate transaction with him to secure information which Harrel claimed to have that could be used to stop the contest. Whallen claimed that he had paid Harrel \$500 down and had deposited \$4,500 more in the safety vault, to be delivered whenever Harrel produced the information contracted for. The \$500 he had given Harrel, Whallen said, was to reimburse him for a like amount that Harrel claimed to have received from Goebel managers and intended to return. Whallen swore out a warrant against Harrel in Louisville, charging him with obtaining money by false pretenses, Whallen declaring it to be his belief that Harrel had misinformed him concerning the money received from Goebel managers, and that Harrel had told him this only as a pretext to obtain the \$500. The warrant was served on Harrel in Frankfort, but the sheriff at that place serving the warrant fixed date of the examining trial for January 27, which happened to be the limit. This defeated the intention of Whallen to have an early trial of his charges. In the meantime the Franklin county grand jury indicted Whallen and Ryan for conspiracy to bribe. Harrel did not go to jail, being released upon a \$10,000 bond signed by Senator Goebel and many democratic members of the legislature.

Before the Harrel trial came up the indictments against Whallen and Ryan were quashed, on the ground that the grand jury had been improperly drawn. At the examining trial of Harrel in Louisville he was held over to the grand jury. Whallen produced



SANITATION NEEDED.
Indianapolis News, January 2, 1900.

HOW GOEBEL CAUGHT WHALLEN.



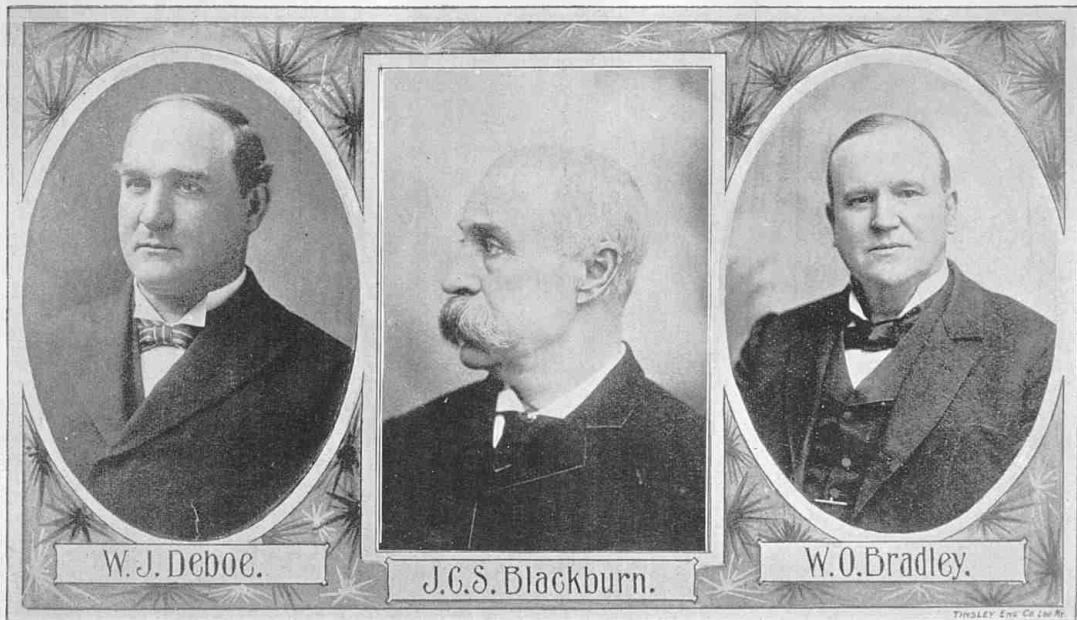
Goebel—"Help! Help! Somebody get me loose."
Louisville Dispatch, January, 1900.

a bit of paper signed by himself, Harrel and Ryan and two other persons. This paper seemed to indicate that Senator Harrel bound himself to stop the contest between Goebel and Taylor in consideration of \$5,000, of which \$500 was to be given in advance and the remainder on the adjournment of the legislature. At the proper time a statement of the alleged contract with Goebel's managers was to be given. Whallen testified to the circumstances under which the paper had been signed. Harrel was not placed on the stand, so it was not known whether he would deny the signature. There was no indictment returned against Harrel by the grand jury, an effort to bring it before another grand jury failed, Judge Barker refusing to re-submit the case. It was said that Whallen's case would come up at the April Franklin county grand jury for another attempt to indict.

While the bribery case was being handled in the courts the legislature made an effort to discipline Whallen under a statute giving that body power to punish contempt such as seemed involved in the case. Democratic senators brought it up, preferring charges against Whallen and Ryan. A resolution was offered providing for a joint trial committee. The republicans followed promptly with a resolution providing for an investigation of the conduct of Senator Harrel also, which was adopted as an amendment to the other resolution. The democratic resolution accepted the theory that Harrel promised to accept Whallen's money but to expose and bring to justice Whallen and Ryan.

* * *

The joint democratic caucus named J. C. S. Blackburn for United States senator unanimously. The occasion was made one of considerable display, and was undoubtedly intended to have great effect. After the meeting was called to order Mr. Goebel, who presided, launched immediately into the business of the meeting. "Four years ago in this old hall the contest began. We were met then by riot alarms, militia and bribery, but in the face of all this gallant man never faltered," he said. Continuing in this strain, he said: "Kentucky has had its Marshall, its Crittenden, its Clay, its Thompson, its Breckinridge and its Stevenson, but when their history is written no figure will tower above that of J. C. S. Blackburn. I nominate J. C. S. Blackburn for United States senator from Kentucky." Several members of the caucus seconded the nomination in speeches of similar strain. Senator Blackburn was brought in and made a flowery speech. He referred to the pending contests in this manner: "I have a right to believe that he will be successful in that contest. I honestly and religiously believe that we received a majority of all



W. J. Deboe.

J. C. S. Blackburn.

W. O. Bradley.

TINLEY ENG CO LEO MO

the votes cast. And I believe the democratic legislature will deal fairly and mete out justice to the democrats." The galleries and lobby, as on the evening before, applauded vociferously.

* * *

There were twenty contests in the legislature, divided almost equally between the republicans and democrats as to contestants.

* * *

Gov. Taylor's message went to the legislature on January 2. It opened with an urgent recommendation for the repeal of the Goebel election law. The message was received and filed and that was the last heard of it.

He said in part:

"The conduct of those charged with the execution of this law has kept the people in the most dreadful apprehension as to what any day may bring forth. It has introduced into our elections the most corrupt practices known to the lowest order of politicians. It has contaminated public morals, caused the people to lose faith in free institutions, placed a premium on political infamy and a discount on common honesty in political affairs. It has paralyzed business, divided households and plunged the people into a state of excitement hitherto unknown, and brought upon them an incalculable brood of evils.

"These indisputable facts must appeal to you for prompt and decisive action in the repeal of this measure and the substitution therefor of an election law that will guarantee to the people a free ballot and an honest count. If you do this much, and no more, you will have accomplished glorious work. You will thereby proclaim yourselves patriots, win the love of the people of your state and receive the plaudits of the nation."

CHAPTER XXII.

GOEBEL'S NOTICE OF CONTEST FILED.—Grounds Given.—Suit Against Democratic Election Board.—Taylor's Appointees in the Courts.—Charge Against Poyntz Agitated by Republicans.

When the lesser republican state officers assumed office on January 1 the first act of Attorney General Clifton J. Pratt was to file suit in the name of the commonwealth against Election Commissioner C. B. Poyntz and the two other members of the board to declare their offices forfeited. The petition against Poyntz charged him with having solicited, accepted and ridden on a C. & O. railroad pass, in violation of a section of the state constitution. The number of the pass was given and it was stated that he had used the pass on December 16. This, it was asserted, rendered his office forfeited. The other members were also sued on the ground that they had not been legally appointed, having been appointed by Mr. Poyntz after the date mentioned and after his office had been forfeited, as alleged. This suit provoked something of a stir. It did not go to trial immediately. The case was the first one under the new constitution that was adopted in 1893. The republicans made all the capital out of the matter, on account of the democratic campaign denunciation of railroads and other corporations.

* * *

The results of the democratic caucuses were the nomination of Senator Goebel for president pro tem. and Claude Desha as clerk in the senate. The house nominated South Trimble by a close vote over J. C. Cantrill for speaker and Ed O. Leigh for clerk. They were elected next day over the republican nominees, as were all the other democratic nominees.

The republican senate caucus nominated Senator R. M. Jolly for president pro tem., and made nominations for the other positions. The house caucus nominated John P. Haswell, jr., of Breckinridge county, for speaker, and also made nominations for every office. The anti-Goebel democratic legislators did not attend the republican caucuses.

* * *

On January 2 the notices of contest against Gov. Taylor and Lieut. Gov. Marshall were filed. Filed as they were after the leg-

islature had convened, the time for taking proof was limited to the pleasure of the legislature. The grounds of contest given were nine, as follows:

First—Thin ballots in the following counties: Knox, Jackson, Magoffin, Pike, Martin, Johnson, Owsley, Lewis, Carter, Pulaski, Bell, Clinton, Russell, Adair, Harlan, Casey, Wayne, Whitley, Todd, Caldwell, Crittenden, Perry, Muhlenberg, Monroe, Metcalf, Butler, Letcher, Leslie, Lee, Laurel, Hart, Greenup, Grayson, Estill, Edmondson, Cumberland, Clay, Breckinridge, Boyd and Allen.

Second—Alleged military interference in Jefferson county.

Third—Mandatory injunctions by Judge Toney in Jefferson county providing for the admittance of Brown inspectors to polls.

Fourth—That in Jefferson, Warren, Hopkins, Christian, Whitley, Pulaski, Bell and other counties not named more than enough voters who were in the employ of the L. & N. Railroad company to change the result of the election were intimidated by the heads of the company and caused to vote for the contestees.

Fifth—That the republican leaders entered into conspiracy with chief officers of the L. & N. railroad, American Book company and other corporations by which the latter were to furnish money, which was corruptly used in Jefferson, Warren, Fayette, Breathitt, Hopkins, Daviess, Logan, Todd, Henderson, Pulaski, Whitley, Knox, Bell, Hardin and other counties not named to bribe voters to vote for contestees.

Sixth—Alleged intimidation of the election boards in Knox and Lewis counties and Jefferson county.

Seventh—Alleged use of the United States marshals and the federal court to intimidate voters to keep them from voting for contestants.

Eighth—Alleged conspiracy of republicans, the L. & N. and John Whallen to bring to Frankfort desperate armed men and militia to alarm and intimidate the state election board during its canvass of the vote of the state.

Ninth—That the Jefferson county board, by threats and duress, was compelled to accept false and fraudulent returns from the various precincts.

These grounds of contest were the same as named in the notices given by the minor democratic candidates.

✦ ✦ ✦

The suit of the democratic election board against Gov. Taylor's appointees was decided by Judge Cantrill, granting the injunction. However, he set it aside on his own motion to take effect in twenty days. This was for the purpose of allowing the inevitable appeal to be taken by Fulton, Poyntz and Yonts. By

MONKEYING WITH THE BUZZ SAW.



There is much interest among Democrats, concerning Mr. Bryan's visit.
Indianapolis News, January 16, 1900.



Washington Post, January 16, 1900.

this arrangement the democrats were enabled to designate the appellate judge before whom they would have the appeal argued. They selected Chief Justice Hazelrigg. Judge Hazelrigg, however, decided not to hear the case alone, but called in the whole appellate bench, as was the unwritten rule of the court in cases involving political questions.

Before the court of appeals ex-Gov. Bradley severely questioned the power of Judge Cantrill to set aside an injunction upon his own motion. It was asserted by the attorneys that a circuit judge could dissolve an injunction upon motion of one of the parties to the litigation. Judge Cantrill had given as his reason that the importance of the question of law and the public interest involved therein justified such action. It was declared by the republican counsel to be a dangerous precedent, especially as no notice had been given defendants. As property—the title to the office—was involved, an injunction could not be granted, an injunction not having the power to disturb property, was another argument.

The court of appeals, in its decision in the suit, reinstated the injunction, by a division of the judges on party lines, the four democratic judges agreeing and the three republicans dissenting. By the decision was meant that the democratic board was recognized as the legal board. In the decision it was held that the governor could not by appointment fill vacancies for elective offices, and that his power did not apply to offices appointive by the legislature. The dissenting opinion denied the right of the circuit judge to dissolve an injunction upon his own motion to give an appellate judge jurisdiction, and held that the order was void. Besides, two of the dissenting judges also gave their opinion that power by a member or members to fill vacancies in the board was unconstitutional.

CHAPTER XXIII.

A CRY OF FRAUD.—Drawing of Contest Committees Put Under a Cloud by Republicans.—Excitement in the House.—Goebel and Beckham Very Fortunate.—Clerk Leigh Exonerated by a Party Vote.—Marshall's Appointments Rejected in Favor of Goebel's.—Joint Rule No. 11.—Trial by Joint Session.—Republican Minority Helpless.

The selection of three senators and eight representatives was required for each of the contest cases of Goebel vs. Taylor and Beckham vs. Marshall, respectively. These committees were to be drawn by lot, under the Goebel law, which in this respect adopted the provisions of the old law. The only difference was that the committees could not render final judgment, the legislature to review their finding. As this was the first instance in the 108 years of Kentucky's statehood where a contest for governor was to be tried there was intense interest in every step of the proceedings. The selection of committees was by drawing slips of paper from a hat or box, upon which were written the names of members present at the session in person.

On January 3, in the lower house, a motion was made by the republican members for the appointment of a committee of representatives of each party to supervise the draft of the committees. This was ruled out of order by Speaker Trimble. A point of order was raised that the resolution would act as an amendment to the statute. It was claimed, by some that representatives had the privilege of being present by the courtesy of the clerk. The republicans, however, wanted a vote on it, saying they desired the right of inspection by members established. Speaker Trimble sustained the point raised by the democrats. In the senate a resolution was offered designating two members to assist the clerk, but it was ruled out of order by Lieut. Gov. Marshall on account of the language, assistance to the clerk not being included in the provision of the statute, and it was expressly stated that the clerk should perform the duties mentioned. The matter of mere inspection was not brought up.

In drawing them, the contest boards or committees were not secured without a cry of fraud. Of the eleven members of the Goebel-Taylor committee ten were democratic members and only one was a republican. The Beckham-Marshall committee was just

a little better, from a republican point of view, the membership being democrats, 9; republicans, 2. Compared with the ratio of party strength in the legislature, the discrepancy was enough to startle the most indifferent and cool the most confident republicans.

The explosion came in the house, where there had been such a hot debate the day before. The names of the different representatives had been written on slips of paper and put into a box to draw the Beckham-Marshall committee, the drawing for the Goebel-Taylor committee having just been concluded, with the finding of one republican out of the eight house members drawn. As Speaker Trimble rapped the gavel and ordered all members to their seats Representative Haswell took the floor.

"As a member of this house," said he, "and at the request of the clerk, I stood at his desk during the rolling of the ballots and during the putting of the ballots in the box. I don't know why, but for some unaccountable reason every democratic name has been thrown on the right hand side of the box and every republican name on the left hand side. I noticed that just previous to the drawing of the committee to try the gubernatorial contest the box was shaken this way (here Mr. Haswell moved his hands in a plane to and from himself) and not in all directions."

He demanded that the box be opened so that it could be determined if it was not true that the ballots were in the condition he had indicated.

Representative Cantrill rose to the point of order that the gentlemen were "preferring grave charges against an officer of the house who is just as honorable as either of them." He said: "If they wish to make these accusations, let them put them in proper form and bring them before the house in proper manner." The speaker ruled that the point was well taken. "The opening of the box would develop whether or not the fact is true," said Representative Slack. Several other republicans made the same suggestion, but they were all ruled out of order. Mr. Haswell repeated his claim, and said that the only reason he had made it publicly was to insure the thorough shaking of the box. Speaker Trimble observed that it was regrettable that the matter had not been noted before the drawing of the other committee. He suggested that Mr. Haswell shake the box himself. Mr. Haswell said that the law required the clerk to do it, but that the question of the soundness of his charges could be disposed of very easily by opening the box. Several republican members demanded that the box be opened. Democratic members insisted that it be shaken. Finally the speaker ordered the clerk to shake the box, which he did vigorously.

The republicans claimed that they obtained their first suspicions during the drawing of the Goebel-Taylor committee, and then watched closely while the names were being thrown into the box for the other committee. They claimed that, as they sought to get recognition from the speaker to call his attention to their allegation, all members were ordered by him to return to their seats.

The Beckham-Marshall committee when drawn did not indicate much virtue in the shaking of the box, as it came out with only two republicans names in the eight drawn. This was twice as many, they sarcastically remarked, than were drawn in the other committee. Clerk Leigh denied indignantly that he had placed the ballots in the box in the manner charged by the republicans.

In the senate the republicans did not make any claims to discoveries in the drawing of the committees, although in the six names drawn for the cases there not one republican name was found.

The draft of the legislative contests, which was managed before drawing the big committees, the membership by party affiliation was more evenly divided, the republicans obtaining majorities in ten out of the eighteen committees.

The Goebel-Taylor committee was made up as follows: Senators—Allen and Frazier, democrats; Crenshaw, populist; Representatives—Hickman, Berry, Finn, Renick, Sledge, Lyon and Barton, democrats, and Yarberry, republican. The Beckham-Marshall committee was: Senators Watson, Harrel, Coleman, democrats; Representatives Crawford, Alexander, Baird, Bell, Holland and Sharp, democrats; Read and Lilly, republicans. Senator Goebel's name was placed in none of the drawings.

* * *

The house adopted an exonerating resolution for Clerk Leigh. One democrat voted with the republicans against the resolution—W. U. Grider. The vote was 54 to 42, one or two democrats not being present long enough to vote. The debate upon the resolution was quite spirited. Representative Eli H. Brown, democrat, who had stood at the table for his side, stated that he wished to deny that there was any foundation for the charges of the republicans. Haswell and Slack responded, saying that they had described what they had seen with their own eyes. They said that their challenge to open the box had been ignored, and that was the time when their statements should have been questioned, and not after any evidence had been destroyed by shaking of the box.

In the senate the list of committees offered by Lieut. Gov. Marshall was laid on the table by the Goebel majority in that body. Senators Hays, Triplett and McConnell voted with the republicans, but Mr. Goebel's list was adopted by a vote of 19 to 17. When Speaker Trimble named the house committees there was a republican majority on none of the forty committees.

* * *

The next performance of the democratic majority in the legislature was the adoption of rules. The rules reported were practically the same as formerly, but one rule stuck out of the report of the committee like a snag in the Kentucky river, from a republican point of view. It was joint rule No. 11, which determined the manner in which the reports in the gubernatorial contest cases were to be received, giving the joint assembly the right to compel the boards to report whenever it desired, limiting time on the debate and making the speaker of the house chairman of the joint session instead of the lieutenant governor. The rule also provided that the reports of the contest committees be passed upon in joint session.

To this latter provision the republicans made the most violent opposition. They contended that it was an entirely arbitrary rule, that the election law did not provide for any such action, and that it was required that the contest reports pass each house separately. The matter of compelling a report at the pleasure of the general assembly was also denounced, the claim being made that the contest committees were created by the statute and were unlike committees created by the legislature and subject to its orders.

One may imagine that the rules were fought with extreme bitterness by the republican minority, but they were forced through both houses by Senator Goebel, who was chairman of the senate committee on rules.

No time was lost by the contest committees in organizing. Representative Hickman was elected chairman of the Goebel-Taylor committee, and Representative W. O. Coleman was elected chairman of the Beckham-Marshall committee. Both committees adopted rules and decided to hold a joint trial, as the contentions were identical in both contests, and to continue in this manner until the cases should separate. The rules adopted made the boards subject to the call of their chairmen, permitted parties to the contest to issue subpoenas for witnesses and send for papers; evidence was to be oral and subject to cross-examination, and the parties might be represented by counsel.

Time was given to January 15—about ten days—to prepare.

The contestees were not satisfied with the time given for preparation nor with the joint trial. They held that the time for preparation was too short and that the time for giving testimony was too short. They expected to have not less than 1,000 witnesses to be examined on their side.

* * *

House rules adopted were very objectionable to the minority. One empowered the speaker, at the request in writing by the committee on rules, to call for reports on house contests, these to stand for immediate consideration and determination with precedence over all other business. Another gave the committee on rules power to call from the orders of the day any bill or resolution and propose the same to the house for consideration, and if the house voted to consider it, to be put upon its passage. The committee was also empowered to call from other committees any bill or resolution in their hands and have them advanced to their reading. Another rule placed power in the hands of the speaker to clear the gallery or lobbies and have general control, except as provided by law, of the hall and corridors of the house.

Despite a frantic fight by the republicans the report carried by 54 to 44. Four democrats voted with the republicans, but two changed their votes before the result was announced.

The rules were construed by the republicans to mean that there would be an effort at wholesale unseating of republicans whose seats were contested, so as to make certain Senator Goebel's success in the contest against Gov. Taylor.

CHAPTER XXIV.

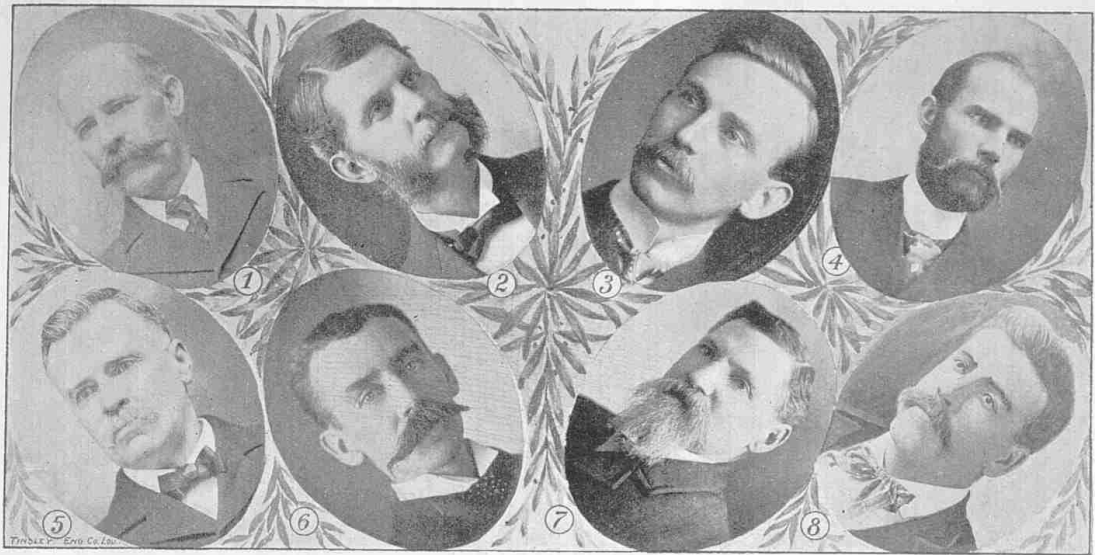
G OEBEL'S IRON HAND.—Legislature Seems Committed.—Gov. Taylor Determined.—“Will Leave It On a Stretcher.”—Appeal to Federal Court Discussed.—Goebel's Success Forecast.—Bryan Billed Again.—Bradley Nominated.—Cry of Danger.—Blackburn Elected With Ease.—Republicans Put Heads Together.—Effort to Impeach Contest Boards.—Rulings by a Party Vote.—“The People Won't Stand It.”

Day by day Senator Goebel was reinforcing his advantage in the legislature with one move or other until it seemed that he would be able to turn the tide through the legislature in spite of everything. Gov. Taylor felt that the intention was plainly to unseat him at such a moment as Senator Goebel would select as the most favorable for the attempt. Gov. Taylor was greatly distressed by the events that were taking place, but apparently did not lose his determination to hold on to his position in the face of what the republicans declared would be infamous action.

Col. Tom Landrum of Louisville, after visiting Gov. Taylor one day, remarked for the benefit of a warm supporter of Goebel, with whom he was in conversation, “Let it be perfectly understood that if Gov. Taylor leaves the executive mansion he will leave it on a stretcher.” Any one familiar with Gov. Taylor's earnest belief in his title to the office could easily imagine Col. Landrum's statement to be perfectly reliable. The republicans discussed an appeal to the federal court for protection, their faith in the state courts having apparently suffered very greatly from decisions in late cases involving political questions. Various decisions rendered had assisted the democrats materially in their contest program.

National Committeeman Urey Woodson, on a visit to Chicago on some mission to the national democratic organization, was quoted as saying in a prophetic mood, “Mr. Goebel will be in possession of the governor's office between January 25 and February 1. Senator Blackburn, and not Mr. Goebel, is the man who insisted upon carrying the contest to the legislature.”

As for Senator Blackburn, the program was to elect him twice. On account of a doubt as to the construction of the law on the date for the election of a United States senator, it was decided



MEMBERS OF THE GENERAL ASSEMBLY.

1.—Senator Geo. T. Farris. 2.—Senator Wm. H. Cox. 3.—Representative B. J. Bethurum. 4.—Senator Chas. H. Dye. 5.—
Representative J. W. Hance. 6.—Senator R. M. Jolly. 7.—Senator R. C. Crenshaw. 8.—Representative John Wilson.

to elect him on January 9 and again on January 16. The first election was to be conducted and ratified, and then the ceremony was to be gone over the second time, upon which occasion William J. Bryan was to be present to lend glamour to the affair. Invitations were sent to him to be present to attend a banquet, witness the election and address the legislature. It was to be a gala event for the democrats, arranged by Senator Goebel.

✦ ✦ ✦

No nomination for the United States senate was made by the republicans until January 8, by which time it was perfectly understood that ex-Gov. Bradley should be indorsed. The caucus was made the occasion for a demonstration against the contest by Goebel and Beckham. A note of warning was sounded, intended to arouse the people of the state to the danger of success in the contests. Representative R. W. Slack secured the floor and made a speech to nominate ex-Gov. Bradley, but he spoke more on the situation than upon the senatorship. First he demanded that the republican leaders rouse themselves from an apathy that seemed to have fallen over them. "The time was coming when disfranchisement was on the point of taking place," he said. "They don't seem to realize the danger. They appear blind and deaf. If they understand the true situation, almost every one of them would be here in Frankfort tonight, and I would like for my words to ring out like an alarm bell and let the people know that their liberties are at stake and let them know that if the attempt in the present legislature succeeds they will be free men no longer."

He indicated the progress of the Goebel plan in the committee of rules report, which then had been adopted in the senate and which was about to be taken up in the house. He said that the exclusion of republicans from important committees indicated that there was a desire to keep from them knowledge of measures of a sinister nature, and that arbitrary rushing through of questions indicated that there was a dark purpose in view. The rules were condemned by him, giving the speaker of the house power to call the joint session at any moment and to force a report at any time. He claimed that the legislature was excluded from hearing the testimony. He predicted that the contest boards would come in with majority reports concluding that Goebel and Beckham had been elected and the question presented to the democratic members of the legislature of saying that they do not believe the report of this committee of democrats, or of being ostracised from the party. The verdict of the people at the polls, he was sure, would be over-

thrown if they pursued the course that they were on, and "which they would not pursue if they were true democrats."

The speaker continued in this strain, saying that the partisan democrats seemed to forget past struggles for liberty on the part of the American people and for the right of representation as well as taxation, for which right the republicans were contending. "It may not come now," he said, "it may be the people will submit for the present; but I should like to sound the note of warning and let these men know what they risk; the people what they suffer." For himself he said that he did not personally care; he would rather take his family and move out to the furthest end of the earth than live in Kentucky with liberty taken from him. "But don't these men know," he said, "that they cannot drive the majority of the state out without a struggle?"

With a tribute to ex-Gov. Bradley, Mr. Slack placed him in nomination.

Senator Dye seconded the nomination with the remark, "They will find Kentucky bows only to God, and will not bow the knee to any party."

Bradley was received with cheers, but made only a brief speech. He said Kentucky was confronted with a conspiracy to rob the people of their suffrage. He said in the course of his remarks, "As certain as there is a God in heaven; as certain as the waters travel to the sea; as certain as the stars shine at night; as certain as eternity hurls us along its bosom into the future—that certain is it that the men elected to offices in the state of Kentucky will hold their offices."

✦ ✦ ✦

The first election of Senator Blackburn resulted in a vote of 57 to 42 in the house and 22 to 12 in the senate, ex-Gov. Bradley receiving all the votes of the republicans and Mr. Blackburn receiving the full democratic strength, except for one or two absentees. The vote was ratified in joint session on the next day.

Both sides in the governorship contests were busy getting witnesses. The arrival of a number of these in Frankfort caused the Goebel management some alarm. They were described as armed mountaineers, who had grown impatient at the proceedings of the legislature. It was also claimed by the Goebel people that militiamen in citizens' clothes were assembling at Frankfort, and that ammunition and arms was being shipped to Frankfort for Gov. Taylor's men. Indignation meetings were held in republican counties.

The attorneys for Taylor and Marshall were ex-Gov. W. O. Bradley, Judge W. H. Yost, Capt. W. H. Sweeney, Col. W. C.

P. Breckinridge and T. L. Edelen. The first thing they did was to file objections to the personnel of the contest boards on the ground of extreme partisanship. Both boards ignored this by a strict party vote. The boards decided to meet in the ball room of the Capital hotel.

* * *

The republicans brought their leaders from all over the state for a big "pow-wow" to discuss the contests and methods to defeat them. It was emphatically insisted that the contest reports must pass each branch separately, and that no joint session alone could legally adopt the reports.

* * *

Representative Emmett Orr, democrat, introduced a measure to amend the Goebel law. It was intended to make its operation non-partisan. It provided for the appointment of a state board of two commissioners by the governor, with the consent and approval of the senate, one member to be recommended by each of the two dominant parties. The county boards were also to have only two members appointed, at the recommendation of the parties.

It provided against the appointment of aged or infirm election officers, and provided for the trial of contests in the state fiscal court.

* * *

The effort to impeach the contest boards was made with affidavits filed attacking the impartiality of the democratic members. Besides this, affidavit was made by both contestees that they believed the committees had been fraudulently drawn from the boxes and the ballots fraudulently arranged in the boxes in such a way as to prevent more than one or two members of the contestees' political party appearing in the committees. As to Hickman, Crenshaw, Finn and Lyon, their impartiality was questioned because of alleged information that they had attended the conference of democrats that had urged Senator Goebel to contest. Senator Allen, it was alleged, could not be impartial because his seat was being contested upon the same grounds that the contestees would bring in their defense. Renick, it was claimed, had made a bet with one James M. Owens on the result of the late election, the bet still pending.

The contestees also demanded more time to prepare for the cases and asked for more time for hearing evidence, claiming 2,000 witnesses whose testimony would be absolutely necessary. Time was also asked to give proof in rebuttal. Complaint was also made that the committee had taken action in fixing rules without notifying the contestees.

Mr. Marshall further objected to the presence of Senator Harrel on his board with the allegation that he was not a suitable person and was partial to the claims of the contestant; Representative Holland was objected to on the claim that he attended the contest conference, and Representative A. P. Crawford was attacked on the ground that his seat was being contested on grounds similar to some that would be relied upon by Marshall in his defense.

Having had no success with the objections to the membership of the contest boards in presenting the matter to the attention of the boards, the republicans went into the legislature with their grievances. A resolution was offered asking the discharge of certain members of the boards because of undue partiality. In the senate it went to the committee on judiciary, of which Senator Goebel was a member.

* * *

The first session of the contest committee was held on the 15th, with a large attendance of spectators. The democratic contestants were represented by Attorneys Aaron Kohn, Zack Phelps, Lewis McQuown and James Andrew Scott. The attorneys for Taylor and Marshall filed protests against a quorum of each committee on the grounds already set out in the motions to reorganize the committees. Exceptions were then filed against the contestants' petitions, excepting to every paragraph as being too indefinite, and some as being entirely irrelevant to the contests. The exceptions were overruled by a party vote. Demurrers were then offered to the allegations in the notice of contest, which were also overruled. An affidavit was filed by John Marshall against Representative T. M. Sharp, who was said to have stated that he would vote for Goebel even if he had been beaten by 15,000. A denial of this was made by Sharp. Answers were tendered by the other members who had been attacked.

In spite of numerous objections by the republican attorneys the board went into hearing of evidence, the democratic attorneys making the claim that the other side was attempting to delay the work of the board as much as possible.

Senator Deboe was one of the republican leaders on hand to look after things. He was called from Washington by the bad state of affairs in Kentucky. He was disposed to be severe upon the course Senator Goebel was pursuing. "At Washington they do not seem to think that Goebel will dare carry out his brazen policy of defying the will of the people. They do not think that he and his henchmen would have the hardihood

to carry out such an infamous act. I do know one thing, and that is that if he does try to unseat Gov. Taylor the people of the state will not put up with it. He created his election commission, he stole his nomination, he did everything possible to steal his election, and now he wants to steal the governorship. The people won't stand it. He needn't think they will."

* * *

On January 16 there was a meeting of the most prominent republicans and anti-Goebel democrats of the state at the Galt house in Louisville, the session being called particularly for the purpose of determining whether there should be forcible resistance to the unseating of Gov. Taylor, or whether not a finger should be raised to prevent it after every peaceful means had been taken to defeat the unseating. What was determined upon at the conference was never given out.



CHAPTER XXV.

BRYAN ON THE CONTESTS.—The Colson-Scott Tragedy Disturbs His Visit.—The Nebraskan Banqueted.—Remarks Before the Legislature.—Witness to Blackburn's Triumph.—Republicans and Police Clash.—Taylor and Marshall's Counter Notice.—Paragraphs Stricken Out.—Republican House Member Unseated.

No incident in all the recent thrilling history of Kentucky caused more excitement at the time being than did the bloody Colson-Scott pistol duel, which occurred at the Capital hotel in Frankfort January 16, and yet the political differences which were so exciting the state at that moment had not the slightest particle of bearing on the case. Both men were prominent republicans, and both had come to Frankfort in the interest of the same cause. They were simply bitter personal enemies, with their private feud to settle. Each was a determined, fearless man; each hated the other with a fierceness that had been wrought to an intense climax by a long series of aggravating occurrences between them. Each felt that the other was seeking his life, so when they finally came into close contact a duel to the death was the inevitable and unfortunate consequence; particularly distressing because of the killing of two and the injury of three innocent and unsuspecting bystanders.

The whole country was aware that as a result of the contest which the democrats were then so vigorously pushing the political situation was much strained in Kentucky, particularly at Frankfort. There had already been some muttering of open warfare. So when the first word of this deadly combat was flashed over the country the conclusion was naturally enough: "War has at last broken out in Kentucky!"

Therefore it was some time before the people of other states realized that politics had played no part in this fray; that men in Kentucky sometimes shot one another for causes other than political differences.

Ex-Congressman David G. Colson, from the eleventh or mountain district, during the late war with Spain held the commission of colonel of the fourth Kentucky regiment, which had been recruited on the second call of the president.

Ethelbert Scott, a young lawyer of Somerset, Ky., and neph-

ew of ex-Gov. Bradley, received a commission of lieutenant in this regiment. The regiment was stationed at Anniston, Ala., and while there the trouble between the two men began. According to various reports Scott did not take kindly to military discipline, and the result was that in February, 1899, Col. Colson brought charges of incompetency and bad conduct against him. An officer of the court said afterwards that Col. Colson's prosecution of the case was one of the most severe, caustic and zealous that he had ever seen. The charges were upheld by the finding of the court and Scott's dismissal from service was recommended, approved and sent to Washington. At this time Scott secured a ten days' leave of absence and also went to the national capital, where, by means of political influence, he had the decision of the court set aside. He returned to his regiment, whereupon the trouble was immediately renewed between himself and Col. Colson. The latter shortly afterwards preferred more charges against Scott. These, however, were not pressed, as it was almost time for the regiment to be mustered out and a fellow officer persuaded Col. Colson to desist. The day after the regiment was mustered out of the service Lieut. Scott was dining with a party of friends in a restaurant at Anniston when Col. Colson entered. In some manner that has never been made quite clear, the difficulty was renewed and Col. Colson was wounded in the groin, from which he was partially paralyzed and could never recover. The military authorities took no notice of the occurrence and the civil authorities being unable to make out a case against either man, the matter was dropped.

The next time the men saw each other was on the street at Frankfort on the morning of January 16, 1900. They did nothing further at that time than glare at one another.

Shortly after noon Col. Colson was sitting in the lobby of the Capital hotel talking with several friends when Lieut. Scott entered, accompanied by his friend Capt. B. B. Golden, who had also served in the Fourth Kentucky. Though not densely crowded, the lobby was fairly well filled at the time. Scott and Golden started across the lobby together. They were about 10 feet apart when each saw the other at about the same moment, and each must have been seized with the idea that the other was threatening him. Which fired the first shot may never cease to be a disputed question. Both must have done so almost simultaneously, though there was much doubt as to this point. Both men began emptying their revolvers, each circling around the other. During the fight, and before he could get out of the way, Luther W. Demaree, postmaster at Shelbyville,



"IN THE MIDST OF ALARMS."
 Los Angeles Times, February 4, 1900.



BREAKING IN.
 Louisville Dispatch, January, 1900.

was shot twice through the heart. The theory is that Scott grabbed him to shield himself.

When Scott had emptied his revolver he ran towards the stairs at the other side of the lobby, which led into the basement. Col. Colson, who had emptied the contents of his first pistol, drew a second and followed, still firing. The bullet which killed Scott struck him just above the right ear and penetrated the brain. There were afterwards half a dozen bullets found in various parts of his body. He tumbled down the stairs and fell dead at the bottom. Col. Colson followed him and, stepping over the prostrate form of his enemy, passed on out to the street. Col. Colson had received one wound during the shooting. The bone of his left arm was shattered below the elbow and his sleeve was shot to rags.

The coroner's jury found that the two bullets which struck Demaree had been fired by Colson. Charles H. Julian of Franklin county, who was seated some distance away when the shooting began, was struck in the left leg by a stray bullet. A large artery was severed and, during the excitement that followed, he bled to death before anyone realized the seriousness of his injury. There is doubt as to which of the principals fired the shot that struck him. Capt. B. B. Golden of Barbourville, who was with Scott, received another stray ball in the back. The wound did not prove dangerous. Harry McEwan, another bystander, got a bullet through the instep. O. D. Redpath, a Chicago drummer, was knocked down in the rush for the doors and had his leg broken by some one falling over him.

The excitement caused by the affair quickly died out as soon as it became known that politics had nothing to do with starting the trouble. In fact the tragedy, terrible as it was, was quickly forgotten in the tense and heated political excitement then raging.

The Franklin county grand jury shortly afterwards brought an indictment of murder in the first degree against Col. Colson, charging him with killing Scott and Demaree, but remaining silent as to the responsibility for the death of Julian, who was the only democrat entangled in the shooting.

In April Colson's trial took place at Frankfort. He was acquitted, the jury being out only 18 minutes. The testimony indicated that Scott had made threats against Colson, and that Scott and Golden had approached Colson in a threatening manner.

* * *

Mr. Bryan's coming to Kentucky for the purpose of being present at the formal election of Hon. J. C. S. Blackburn to the

United States senate was in accordance with a promise made some time before by the democratic leader. The democrats were aroused to the greatest enthusiasm upon his advent on the afternoon of January 16, the day of the Colson-Scott tragedy.

Prior to this time it had been widely circulated by the republican and anti-Goebel press, both in Kentucky and elsewhere, that Mr. Bryan had sent various communications to Senator Blackburn urging him to put a stop to the contests that the democrats were pushing. The opposition press went further and said that Bryan had declared in these communications that the contests were ruining the chances for democratic victory in Kentucky for the presidential election. So when Mr. Bryan came in person to Kentucky the opposition press still had it that he did so for the purpose of stopping, if possible, the contests. These assertions were met with complete denial by Senator Blackburn and other leaders.

The banquet at the Capital hotel on the night of the Nebraskan's arrival proved to be a brilliant occasion. Mr. Bryan made a speech in which he referred at length to national issues, but the main point upon which he was heard with breathless attention was his expression regarding the contest. In this connection he said:

"You are now engaged in a contest that is to decide not what ought to have been done, but what was done. Your legislature is the court. That legislature must decide upon the law and upon the evidence; and every member of that court will be better informed upon the law and the evidence than I am, and it is as much my duty now not to interfere as it was in the campaign to interfere, and I shall do my duty as I see it now, as I did then.

"I neither advised a contest nor advised against it. I took no position on this subject. I would be ashamed if I were presumptuous enough to attempt to interfere with the conscientious performance of a duty that devolves only upon the members of the legislature. I want to say this, however, that when men say you cannot expect a just decision from the legislature because it is democratic, I want to say that every contest in regard to human government must be settled by human tribunals, and that whether a contest is presented to a court or to a legislature it must be decided by men, and that those men must have political opinions, and if this was a republican legislature it would have the same power to decide that a democratic legislature has.

"I am glad it is a democratic legislature. When questions

have to go before a court I am always glad when it is a democratic court that they go before, and if the republicans of this state feel that they are unfortunate in having to submit their questions to a democratic court, they can come out to Nebraska and console with us democrats, who, for years, have had to submit our differences to a republican court."

During his visit to Kentucky no further expressions were obtained from him on the subject.

Mr. Bryan's speech was followed by a brief address by Senator Goebel. In it he declared that the democracy of the nation and the democracy of Kentucky stood as a unit on the same great issues. It was the last speech that Mr. Goebel ever made.

Senator Blackburn and a number of other prominent democrats were heard.

On the following day a formal election of Senator Blackburn again took place in joint assembly. Before the vote was taken Mr. Bryan addressed the legislature. He confined himself almost entirely to national issues. He reminded the democratic legislators, however, that they were to decide whether the democratic party was to remain in the ascendancy in Kentucky and that he knew that when the record was revealed it would be seen to be on the side of the people. He recommended a law prohibiting betting on elections and another law against lobbyists, and a local anti-trust law.

Mr. Bryan took his departure in the afternoon for the east.

* * *

Headquarters were opened at Frankfort by republican leaders and a committee placed in charge to handle visitors and direct the work of providing testimony in the contests. A large number of witnesses from all parts of the state were on hand. Some of these, in wandering about the city, ran foul of the local police, who were strict partisans of Senator Goebel, as were, in fact, all the local officials. A half-dozen of the republican strangers were lugged off to jail on the charge of carrying concealed or deadly weapons and fined heavily. The last few that were arrested were pardoned by Gov. Taylor. An outcry was made against this by the democrats, the charge being made that the governor was promoting lawlessness. To justify his action, Gov. Taylor called attention to charges made against the police by some of the men arrested, notably one who furnished affidavits that he had been robbed. This person, Dr. W. R. Johnson, said he had been put in jail, relieved of \$155, fined \$69, and then had to borrow the money from a friend to satisfy the fine. The grand jury afterward looked into this matter, but declared the charges against the policemen unfounded. The friction between



SEAL OF KENTUCKY—REVISED.
Minneapolis Journal, February 1, 1930.



CONCEALED WEAPONS.
Chicago News, January, 1900.

the republicans visiting the city and the local authorities, who were strongly for Senator Goebel, became so great that the visitors took the precaution of wearing their weapons exposed, there being a law only against bearing arms concealed. As more of the republicans came to town there were fewer and fewer arrests, until presently there were none at all.

✦ ✦ ✦

Democratic testimony to support the allegations in the Goebel and Beckham notices was heard by the contest boards. Taylor and Marshall filed their counter notice. The Goebel and Beckham attorneys objected to the document, moving that it be rejected as not admissible. After argument it was admitted by the boards. Following this the democrats excepted to many paragraphs in it. The committee ordered them stricken out after argument by the democratic attorneys. The republican attorneys refused to reply, saying that it was a matter beyond argument. The principal paragraph stricken out was the one charging that the contestants had the entire election machinery in their control and that of the contestant, and the vote in many localities was counted to suit his partisan officials rather than as it was actually cast; that many thousands of persons who were legal and competent voters were refused the privilege of voting.

The counter notice opened as follows:

"The contestant is hereby notified that the contestee will rely upon the following grounds for the purpose of showing that the vote as returned in favor of the contestant is false and fraudulent, and that contestant did not in reality receive any more, if as many as 166,000 votes in the state of Kentucky; and at least 25,000 persons voted for contestee, whose votes were counted for the contestant, the ballots being destroyed; besides at least 25,000 voters were prevented from voting for contestee by reason of fraud, force, intimidation and intentional delay in taking the vote.

"1—The contestant controlled the state board of election commissioners in the appointment of election officers. The result of this was that the entire election machinery of the state was placed in the hands of the contestant, and the vote in many localities counted to suit his partisan officials rather than as it was actually cast; that on this account many thousands of persons who were legal and competent voters were refused the privilege of voting, the contestant having the sheriff, who casts the deciding vote in every controversy, on his side.

Another charge was that the contestant, together with the chairman of the democratic state central and executive committees and others entered into a combination with the Western

Union Telegraph company, Richard Croker of New York, and John R. McLean of Ohio, the Standard Oil company, the saloonkeepers, proprietors of poolrooms, breweries in and out of Kentucky, many democratic officials in the state, to debauch and corrupt the voters of the state; and that newspapers were subsidized to publish the most outrageous falsehoods and to cover up fraud and corruption.

Policemen, firemen and other city officials, thugs and bullies, it was charged, were used to intimidate voters and election officers on the day of election, and in this way drove from the polls many who had assembled, and prevented many others from going to the voting places to vote.

The counter notice charged also that the democratic election commissioners in the counties of Jefferson, Kenton, Fayette, Christian, Jessamine, Harrison, Scott, Mercer, Breathitt and one or two other counties appointed, instead of republican election officers, aged, infirm or disqualified persons as election officers for the republican party, removed republican officers and performed other acts to the injury of the contestees. The complaints were especially severe in regard to Jefferson, Kenton, Fayette and Breathitt counties.

Besides this, the counter-notice charged the use of thin ballots in a dozen or more democratic counties.

* * *

The democrats unseated a republican house member, J. C. Taylor, of Trigg county, seating McKinney, a democrat. The trouble with Taylor was that he was a postmaster, and therefore ineligible to hold a state office, which the republicans did not deny. However, they brought charges against McKinney, who, they said, had become ineligible to a seat on account of never having received a quietus as sheriff of Trigg county. They held that even if Taylor were unseated that McKinney could not be seated, and the minority report recommended that the seat be declared vacant. McKinney was seated.

CHAPTER XXVI.

MOUNTAINEERS INVADE THE CAPITAL.—Armed and Ready to "Stop the Steal."—Meeting in the Statehouse Yard.—Resolutions of Remonstrance.—Petition to Legislature Ignored.—"Mountain Intimidationists" Retire.—Guard Left Behind.—Close Vote on a Resolution.—Another Republican Unseated.—Taylor Withholds Blackburn's Certificate of Election.—Opening of a Memorable Week.

When Frankfort awoke on the morning of Thursday, January 25, it found that the population had increased by over 1,000 male citizens of voting age, and that there were at least that many more guns in the town. A long train came rolling through the tunnel into the quiet main street of the town and stopped in front of the old capitol building, scarcely discernable through the mists of early morning. The newcomers presented a sinister or inspiring spectacle, according to the political affiliation of the onlooker. Every one of them had a gun of some kind. Their stern, determined faces were soon seen in all the public buildings and at the hotels. Most of them took their guns up to the adjutant general's office, where they checked them and put the tags in the button holes for safe keeping. Some of them ate breakfast at the hotels, others were fed by republican leaders on the statehouse grounds.

"The mountaineers are here," was whispered over the town. They certainly were, and much in evidence.

A photographer came running with his camera and slung it gaily into position to take a score of them who were in the act of eating breakfast around a hastily constructed camp fire.

They ceased eating to glare at him. They said "Don't."

The photographer told them to look pleasant.

"Wow!" said one as he reached for a blanket.

The photographer had visions of being tossed in a blanket by a dozen stalwart men, and paled. He said all he wanted to do was to leave. As he departed, the mountaineers hurled rolls and biscuits at him.

Efforts to engage the visitors in extensive conversation were unavailing, the famous reticence of the mountaineers being never more plainly shown. Some said they were from Bell county, some from Whitley, Harlan, Monroe, Knox, Laurel, or other



Kentucky's Highest Court of Appeal Holds a Short Session and Adjourns.
Chicago Chronicle, February, 1900.



Kentucky's Highest Court of Appeal: "Call the next case."
Chicago Chronicle, February, 1900.

counties. Some admitted that they had come to Frankfort to "stop the steal." It was denied that they were a regiment, although a few of those in the crowd were militiamen from mountain counties. They did not know how long they would remain, but were of the opinion that they would remain there until there was no more danger of a "steal."

At 11 o'clock, about which time the legislature began its session, the men with one accord gathered at the historic old capitol front, at the spot that had witnessed so many inaugurations.

Ex-Secretary of State Chas. Finley, of Whitley county, was summoned, and he addressed the meeting.

Said he: "Fellow citizens, your presence here shows how vitally the people of Kentucky are interested in what is going on in this city. If you are not vitally interested you would not have made the long journey hither from the mountains. You do not come here as aliens. For three generations your forefathers have been residents of Kentucky, and their blood has watered many a battle field glorious in our history. You are not here as revolutionists. You are still loyal to the form of government and to the good laws of the state. You are not here as criminals or conspirators, nor to do aught that is unlawful. You have simply come here to exercise the privileges granted you in the bill of rights, giving you the power to seek redress for grievances and wrongs by presenting petitions, resolutions and remonstrances to the legislators, who are mainly the judiciary in whose hands you placed your liberties and your laws. This is a thoroughly non-partisan meeting. I see people here, the sons of men who wore the blue and those who wore the gray. I see grizzled veterans who themselves wore the blue or the gray. We are not looking to the past, but to the future. To show how non-partisan this meeting is, I wish to nominate for chairman of this meeting Judge Jere Morton, a distinguished democrat, and an ex-confederate of Fayette county."

Mr. Finley's speech and motions were received with acclaim.

As the meeting was in progress, Wm. Goebel, accompanied by State Senator C. C. McChord, came up the broad walk. Before he had started out he had been urged not to go to the capitol, on account of the crowd of persons there who were evidently hostile to him. As he approached the gathering by almost an imperceptible movement, a pathway opened through the crowd, and hundreds of curious, scrutinizing glances were turned upon the man who was the head and front of the movement to which the assembled ones were opposed. Senator Goebel, it is related, started to walk through the avenue that had been silently opened for him, but Mr. McChord took his

arm and steered him round the outside of it to a side entrance to the capitol. Mr. McChord called attention to the opening of the crowd, and thought that it was very ominous. Mr. Goebel treated the matter lightly.

As Judge Jere Morton, who was a democrat, and until the contests were announced, a supporter of Goebel, was absent, Capt. S. G. Sharpe, an ex-confederate, a democrat and formerly state treasurer of Kentucky, was named for permanent chairman of the meeting. He announced that he was not going to make a speech and wished to say that he hoped there would be no demonstration. He could see "by the earnestness of their faces that they meant business and that they were gathered to see that the legislature did not overturn the will of the people." He appointed as a committee on resolutions Charles Finley, of Whitley; Claude C. Chinn, of Fayette; Dr. T. F. Berry, of Louisville, and R. H. Razor, of Fayette.

The resolutions that were adopted follow :

"We Kentuckians here assembled, in token of all the 'free and equal' men of Kentucky, do reassert the great and essential principles of liberty and free government proclaimed in the bill of rights, not as derived to us therefrom, but as 'inherent.'

"Our property we may alienate from ourselves and our children, but our liberty is a heritage in us in trust for all generations, and we may neither surrender nor encumber it.

"We declare again the prerogative of 'freely communicating our thoughts and opinions,' and to assemble together in a peaceable manner for our common good and for the good of our fellow men of Kentucky. More especially do we declare our right and authority, conferred on us by Almighty Power, and not otherwise, of applying to those invested with the power of government, by either petition or remonstrance.

"And therein we represent to them, our brethren of Kentucky, our agents in legislature convened, that the government of Kentucky is founded on our authority and instituted for our peace, safety and happiness, and the protection of property—our own and theirs—and, as well, that of the stranger within our gates.

"We petition them, our proxies in the general assembly, to heed that there is peril hovering over all those things so dear to us and to them, and that calmness and prudence and wisdom need be invoked in order that truth and justice may prevail, and we exercise our right of 'remonstrance against their suffering themselves to be led into temptations of partisan pride or party predilection in the crisis which is upon us. We beseech them

to remember that their own just powers were loaned them by us at the polls, and that among those was the jurisdiction to decide judicially and by due process of law, and not otherwise, what was then our expressed will, not their present political preference.

"We implore them that they do not, on slight or technical pretexts nor flimsy nor on trivial causes, hazard the subversion of that supreme law of the land, the will of the people.

"We beg of them that they receive from the hands of our messengers and consider, and do not spurn or despise this, our earnest address, petition and remonstrance, and they by their considerate action protect, preserve and promote the safety and welfare, and, above all, the honor of Kentucky committed to their keeping.

"CHARLES FINLEY,
"CLAUDE CHINN,
"T. F. BERRY,
"R. H. RAZOR."

Upon motion Capt. S. G. Sharpe and Charles H. Finley were appointed a committee to lay the resolutions before the two houses of the legislature. The meeting then broke up and the men scattered all over the town.

Inside of the capitol where both branches of the legislature were busied in their daily grind, the first thing done was by order of Speaker Trimble under power conferred upon him by the new rules to close the doors. This was noticed when Representative Yarberry, republican, sought admission for a few of his friends. He called the attention of the speaker to this.

The resolutions adopted by the meeting of the mountaineers were sent into the legislature, but were never acted upon other than being tabled.

On the same evening most of the visitors left Frankfort as quickly as they had come, departing on a special train. Some of them by this time became disorderly, firing a farewell salute into the air with their guns or pistols.

A number of individual acts of bravado were reported which served to assist the Goebel people in their claim that this army of men was on hand for purely the purpose of intimidating the legislature. The resolutions were made light of and the visit of the mountain republicans branded as a menace to the peace of the commonwealth.

One or two hundred of the "mountain intimidationists," as they were termed by the Goebel people, did not return home at once, but remained at Frankfort, quartered in the executive building or in boarding houses. They kept close about the ex-

ecutive building, with their arms handy. There were no reports of brushes by these men with citizens or democratic workers for several days, and things went on rather quietly, except that some of the strangers loitered about the contest board meetings, much to the uneasiness of some of the Goebel and Beckham counsel. The meetings of the boards were adjourned from the Capital hotel to the Frankfort city hall, where the room was smaller and where the admission was made more limited. This place was said by republicans to be something of an arsenal.

* * *

On January 26 the republicans demanded three days more to present testimony to bear out the counter notice of Taylor and Marshall and to reply to the allegations of Goebel and Beckham. The board refused to grant this, but did grant three hours. The republicans said they had hundreds more of witnesses to present and much testimony to offer that had not already been offered. This was defeated by a strict party vote.

A resolution was offered by Mr. Grider in the house to permit the introduction of all evidence before the legislature. It was fought by the Goebel leaders in the house, who sought to have it tabled. They lost by 49 to 47. Then a substitute by Mr. Baird was adopted without dissent, giving the time for argument and statement of facts. Six or seven democrats voted with the republicans on the Grider resolution, and it was the star and almost sole republican success in the legislature. One or two other motions bearing on the contests had close shaves from being defeated by the republicans.

* * *

Senator Goebel offered a bill providing for an amendment to the charter of the cities of the second class to permit Covington to take advantage of a library offer from Andrew Carnegie and utilize a fund of \$20,000 that had been made up in Covington and for the city to levy an annual tax of \$5,000 for the free public library. This was the only bill Mr. Goebel offered during the whole session.

* * *

The democrats in the house presently unseated Henry Berry, republican, from Fayette county, seating Solomon Vanmeter, democrat. This was done with some difficulty, a few democrats voting with the republicans against the action. The republicans were greatly disturbed. There were several cases still pending of contests against republican seats, and they believed that there would be wholesale unseating in order to increase the democratic vote in the legislature to promote the success of the contests for governor and lieutenant governor.

An incident in connection with the Vanmeter-Berry contest was the unexpected absence of Republican Representative Hays, who left for home on the morning the vote was to be taken. It was thought that his presence might have saved Berry's seat. Gen. Dan. Collier chartered a train, but did not get to Lexington in time to overtake Hays before he had made connection with a train for his home in Pulaski county. Hays reappeared on the following Monday with the explanation that he just wanted to go home for a day or two.

✦ ✦ ✦

The week of January 29 was to be a memorable one. It opened with 13 contests pending in the legislature, with seven republican and six democratic seats questioned. The real fight over the governorship was sure to come. The leaders on both sides realized it. It was expected that Senator Goebel would attempt to unseat all seven of the republicans whose seats were in jeopardy to make the democratic majority overwhelming and lessen danger of enough democratic votes against his contest to defeat it. The gubernatorial committees were to hear rebuttal evidence by the democrats and then devote 20 hours to hearing argument on the 30th. This would take up the week, very likely, but then it would be up to a vote. The contests for the minor offices were to come up early in the next week before the state election board, and had been prepared for by depositions being taken that were substantially the same as the testimony offered before the gubernatorial boards. The republicans were perfectly hopeless with regard to this board, and had determined to appeal to the federal board court before the board could render a judgment.

✦ ✦ ✦

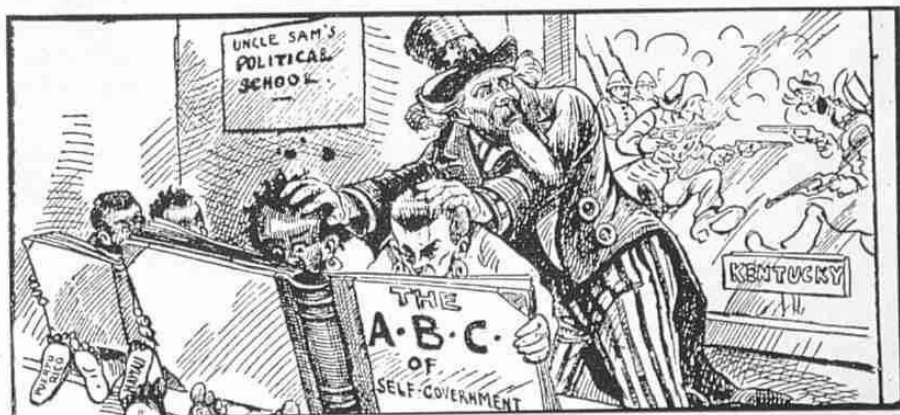
Devoid of romance, as Senator Goebel's life had always been, a rosy rumor was circulated about the middle of January connecting his name with that of Miss Corinne Blackburn, daughter of Senator-elect Blackburn, and the date for the marriage was said to be fixed to take place just after the contest decision. There proved to be absolutely no foundation for this story, as Miss Blackburn had met Senator Goebel not more than twice in her life and their acquaintance was very slight. Senator Goebel never indicated any particular desire to better his home comforts, except once, when he remarked that decidedly he would have to be married—when he had more leisure.

✦ ✦ ✦

Senator-elect Blackburn had made formal application to Gov. Taylor for his certificate of election. On January 29 Gov. Taylor served notice on him that he would not give the certificate,



IN KENTUCKY THE CRUEL WAR IS OVER.
Pittsburg Dispatch, February, 1900.



KEEP RIGHT ON STUDYING, BOYS; DON'T MIND THE NOISE
OUTSIDE.
Detroit News, January, 1900.

and in giving his reasons called attention to the fact that the election for governor was contested in 40 to 60 counties. "It is obvious that if the election is void because of the grounds set up in the notice of contest as to the office of governor and lieutenant governor, it is void for all purposes," he said. "It cannot be valid for some of the offices and void as to others." The members of the legislature had been voted upon in the 40 or more counties on the same ballots used in voting for governor, and if the elections in those counties were not valid for governor they were not valid for members of the legislature who had conducted the election for senator, he argued, and the constitutional requirements for a general assembly had not been filled. Gov. Taylor said he would withhold the certificate until the general assembly should have determined the question, especially as Mr. Blackburn's term did not begin until March 4, 1901.



CHAPTER XXVII.

SENATOR GOEBEL SHOT.—A Hidden Marksman.—Chinn's Statement.—Rifle Shots, Apparently.—Executive Building Suspected as Murderer's Refuge.—Arrest of Whittaker.—“I Will Recover.”—Soldiers Take Charge of Statehouse Grounds.—Armed Men in Buildings.—Fears of a Riot.—Friends of Goebel Urge That He Be Quickly Seated as Governor.—Contest Committees Rush a Report in His Favor.—Gov. Taylor Proclaims Adjournment of Legislature.—Comments on the Crime.—Republicans Accused.—Plotting Alleged.—Warnings.

“Goebel has been assassinated!”

Never did news travel so fast over Kentucky as did this brief, sharp announcement on the morning of February 30, that told in a flash that the strain had been broken with a crime.

The bare mention of the fact conveyed almost a picture to one's imagination—Goebel, within hand's reach of his prize; composed, wary and steeled to act relentlessly at the proper moment—some one with his brain on fire—the shot!

The whole country had been keyed up to the news of the awful deed of wrath by the fascination that attends the play of a master hand in delivering a master stroke. The fight of Senator Goebel to win the governorship had seemed decisive and effective in almost every step of its progress before the legislature. Poised upon the parapet of the besieged citadel of his opponent, he had seemed prepared to cry with the next clock-work move of a mystic destiny—not sooner, not later—“I have it!”

* * *

“Who fired the shot?” That was the first question the news brought out.

If possible, the curiosity about this was as instant as the shock produced by the fact of the shooting.

“No one knows!” Nor did any one know a month after that—nor two months after that.

No one was certain that he saw the shot fired. There were several shots heard, but Senator Goebel dropped down beside the fountain in the wide statehouse yard, picked off from somewhere by a marksman with true aim. The assassin fired from the executive building, said some one. Several persons were out

and about when the shot was fired. One was only a few steps from him. Senator Goebel was seen to fall and quiver, while groans of agony broke from his lately sphinx-like lips; but no one was sure that he could point to the source of the bullets that rattled against the bricks of the walk that led up to the frowning front of the ancient capitol.

Everywhere there was discussion of the deed.

"Somebody got him!"

"Yes, they say he can't live!"

"Likely to be trouble."

"Yes; lot's of desperate people on both sides up at Frankfort. Soldiers called out."

"Bet somebody gets Taylor."

"Maybe."

"How will it end?"

* * *

The legislature was already in session. The house was plodding away at some minor matters, the minority on edge for the next move that might be forced on the contests. The senate was droning, nothing doing, Senator Goebel, to whom the majority looked for its command, being late.

In at one of the gates of the almost deserted square hurried three men, one somewhat in advance of the other two. That was Warden Eph Lillard of the penitentiary. The others were Senator Goebel and his close champion, Jack Chinn. As they proceeded up the walk Lillard forged ahead and Chinn dropped behind slightly, being something of a heavyweight and winded by his walk from the hotel. He was the most immediate witness of the wounding of his leader, and told it in these words:

"As I could not walk rapidly, Goebel fell back with me, while Lillard walked about 30 yards ahead of us through the yard toward the state building. No conversation occurred between us, so far as I can remember. I was on Goebel's right, and he was about two feet ahead of me when the first shot was fired. The fountain is in the center of the pavement, about 60 feet in front of the broad steps of the state building. When we were about half way between the fountain and the steps I heard the report of a rifle.

"At almost the same instant Goebel bent double, groaned harshly, clutched at his right side, fell to his knees. I said:

"'My God! Goebel, they have killed you,' but was a little too far away to catch him.

"'I guess they have,' he said as he was falling.

"He fell to his right and then forward, rolling over on his

More to refer to ^{Judiciary} Committee on ~~Judice~~
to investigate and report with leave to
the contestant and ^{and} officers of the
General Assembly and members of
the General Assembly to respond to the
affidavit filed.

SENATOR GOEBEL'S LAST INSTRUCTIONS TO HIS LIEUTENANTS IN THE HOUSE.

These instructions were written by Senator Goebel on January 29. The matter referred to was a resolution offered and strongly pressed by the republican representatives calling for action by the legislature to expel from the contest boards several members accused of partiality to the contestants. The resolution had been accompanied by affidavits. The copy of the instructions was furnished by Representative C. A. Nelson.

back. I think his right knee struck the pavement first. He raised in a moment as if to get up on his elbow, when I said:

“‘Lie still, Goebel, or they might shoot you again.’”

“The first shot struck Goebel and it was fired from one of the upper floors of the executive building, just east of the general assembly building, to which we were going.

“The first shot was followed in quick succession by four others, and I heard the bullets hum by me and over the body of Goebel. I am of the opinion that the second shot was fired from a side window, while the first was fired from a front window. It is my impression that they were rifle shots.

“I looked for the shots, trying to locate exactly where they came from. Everybody seemed to keep away except Eph Lillard and Representative Owen Cochran. I called out: ‘Won’t somebody come and help carry Goebel away?’ when the crowd rushed up.

“Mr. Lillard was almost in the door ahead of us when the shooting occurred. He turned and came running to Goebel’s side, while Owen Cochran came up at the same time. These men and others picked him up and started with him to the hotel.

“I thought they had killed Goebel instantly when he fell. The blow seemed to stun him and his eyes were set. I thought he was gone.”

✦ ✦ ✦

The senate, the house and the court of appeals, all of which bodies were in session inside the capitol, were disturbed by the shots. Many persons ran to windows to see what it meant, but could see nothing unusual because there are no front windows in the building. Several legislators ran out downstairs and out onto the portico, saw what had happened and in a few moments had spread the information through the entire building. The sessions broke off abruptly and half the crowd hurried off up the street where a throng of people was moving round the form of Senator Goebel, being carried to his hotel.

Like wildfire the news spread all over the little city and men came running toward the capitol building from all points. There was a jostling of bodies and a pattering of feet on the sidewalks and roadways—excited, cursing men, crowding to the common center of excitement. A negro pushed against a white man. Few were the words passed. The white man pulled a pistol and shot the negro dead. Very little attention was paid to this matter.

Several persons, mostly legislators, were in the yard early after the shooting. Some of them were of the opinion that the

Design for a New Executive Mansion for "Governor" Taylor.



Usurper Taylor, having retired to his "executive mansion," there has maintained in fental style an armed guard to keep out all comers, it might be a worthy deed for his swashbuckler admirers to present him with an official stronghold befitting his peculiarities.

Chicago Chronicle, February, 1900.



THE SOLUTION OF THE KENTUCKY SQUABBLE.
Let Every Man Have His Own Capitol.

Chicago Record, February 6, 1900.

shot had been fired from the adjacent executive building. There was talk of searching it. Policeman Thompson says he came up and made an effort to enter the building, calling upon the crowd to stand with him, very few responding, however. Representative Albert Charlton of Louisville, with J. E. Miles of Frankfort, suggested that a look behind the statehouse be taken. Two men were encountered coming round it. One of these men was Capt. John Davis, the Capitol Square policeman, and the other was not known to Miles and Charlton. As the unknown started to go up the steps into the executive building he was seized by Miles. The man protested that he had done nothing and started to resist, but Miles clutched him tightly round the body and held him til officers came up and took him.

Mr. Miles also relates that he sought to enter the executive building, but was met at the door by three men, who told him he could not come in. He says they were armed.

Three or four Frankfort men sought to surround the executive building and saw a number of people go in and saw men inside, but did not try to go in to see who they were. They remained, they say, until a company of militia came down the hill from the arsenal. The soldiers cleared the yard and established a guard about the place.

A half score of men who had come running from the penitentiary and local engine houses, with rifles in their hands, made no demonstration, having been turned back, it is said, by cooler spirits.

* * *

In the meantime Mr. Goebel had been carried to a physician's office in the basement of the Capital hotel, where a cursory examination of his wounds was made. He was then carried up to his room and attended by a number of local physicians. While being conveyed through the streets the wounded man had the ashen face of a dying man. His wound was examined and found to extend clear through the body from a point midway between the shoulder and the right nipple to a point in the back two or three inches lower and about three inches to the left of the spine. The bullet seemed to have taken a direct course through the body between these points and to have pierced the right lung.

There was very little hope of his recovery entertained by the physicians. Leading surgeons from nearby metropolitan cities were summoned, among these being Dr. David Barrow of Lexington, Dr. A. Morgan Vance of Louisville, E. W. Walker, W. P. Dandridge and J. C. MacKenzie of Cincinnati, and Dr. J. N. McCormack of Bowling Green. Arthur Goebel, a brother of the

senator, who is a business man in Cincinnati, also arrived promptly.

Instead of remaining in a state of collapse, Senator Goebel revived sufficiently to talk. His bedroom was closely guarded from intruders, but frequent bulletins were sent out. Dr. McCormack is authority for the statement that Mr. Goebel asked:

"Doctor, have I a chance to live?"

"You have a chance."

"Then I will recover." This was entirely in keeping with the determination that marked every act of the man. His friends counted greatly upon his physical courage and will power to pull himself from the jaws of death. Senator Goebel is also said to have asked where the shots came from. Dr. McCormack is said to have answered: "They came from the executive building." In reply to this the wounded man is said to have replied: "That's what I thought. I have been trying to figure it out for a long time, and now I will rest easy."

* * *

"It is the act of another Guiteau. It is terrible."

This was Gov. Taylor's comment upon the shooting, it is said. He was in the executive office at the time. He appeared greatly distressed by the deed of violence and felt, no doubt, that the gravest consequences might ensue. He remained in the executive office all day, taking his meals there and with friends discussing the dark deed. He decided that there was immediate danger of a general disturbance, and the militia companies at Louisville and Lexington, Covington and other places were ordered to report at Frankfort, which they did as fast as they could. The soldiers came into the capital all during the afternoon and night, and camped in the statehouse enclosure. No one was permitted to enter the grounds from a time shortly after the shooting without a pass, signed by the military officer in command. During the evening Gov. Taylor expressed his regret at the occurrence to friends of Senator Goebel.

* * *

Whittaker, the man who had been arrested, was taken to jail, followed by a crowd of angry citizens, who uttered threats of lynching. No violence was done him, however. In jail he was found to have three revolvers and a large pocket knife on his person. He denied that he had done any shooting, and none of the revolvers showed any signs of having been discharged recently. Besides, it seemed clear that Senator Goebel had been brought down with a rifle, as true aim seemed impossible with anything else at such a distance as to offer concealment to the

assassin. Whittaker was charged with malicious shooting and taken quickly to Louisville for safe keeping, as it was feared there would be mob violence by excited friends of Senator Goebel.

Whittaker hailed from Butler county, the county of Gov. Taylor's birth, and was a friend of the Taylor family. He was an ordinary appearing man of 51 years, and he looked more like a laborer or farmer than anything else. The charges that he had been connected with the shooting of Senator Goebel was stoutly denied by him. He said that he had been at Frankfort to guard Gov. Taylor, and observed that he always considered Gov. Taylor in greater danger than Senator Goebel. He declared that he was a democrat, and until the last election voting the democratic ticket. When the shooting took place, he said, he was in the capitol building on an errand and was arrested when he sought to accompany Capt. Davis into the executive building.

* * *

About the statehouse remained many civilians after the soldiers had taken possession. There were many of them armed, and by democrats were declared to be part of the "army of intimidation" that had come up from the mountains several days before. They stood about, morose and defiant.

* * *

As darkness came on, the republicans who were at the state buildings grew apprehensive of an attack upon their stronghold. They entertained a suspicion that violent men of the other faction would attempt an assault in an attempt at seizure. It was reported that a mob was forming at the Capital hotel and was likely to move down to Capitol square at any time and enter into a conflict with the soldiers for the possession of the place. A company of soldiers was promptly assembled. When the soldiers got ready to march a dozen or so of mountaineers, old men, looking, in the light of the camp fires, much like the aged paintings of pioneers adorning the walls of the old statehouse, fell silently and solemnly in line with their Winchesters and shotguns. The soldiers went no farther than the front gates, where reports from runners were received upon the conditions prevailing about the democratic headquarters. The mob, however, failed to materialize, any disposition to form one having been checked by the conservative ones among the leaders.

* * *

Senator-elect Blackburn was in Washington at the time and wired home to his friends to commit no act of violence. However, he gave out an interview in which he said that the assas-

sination of Senator Goebel had been predicted for months. He criticized the reorganization of the militia by Gov. Bradley and the importation of "mountain ruffians" into Frankfort, which, he said, all pointed to a culmination like this. He suggested that the contests for state offices be prosecuted to a finish on the one hand and the effort made to find the guilty man who wounded Senator Goebel. He said he did not doubt that the attack was deliberately planned and attempted because of the conviction in the public mind that with the close of the testimony in the contest was insured the award of the governorship to Senator Goebel by the legislature. He attached significance to the report that the shots were fired from the executive building.

* * *

The judgment of the leaders and local sentiment both leaned strongly to quick action by the contest board and the legislature in an attempt to declare Senator Goebel governor before life left his body. A race against time to accomplish this began without delay. The two contest committees were hurriedly called together and the democratic majority in each appeared perfectly willing to bring a report at once favorable to Senator Goebel and Mr. Beckham.

At 2 o'clock in the afternoon the democratic members of the contest boards went in a body to the statehouse to hold a meeting. They found their entry blocked by soldiers. Denied admission here, the chairman arranged adjournment to 5 o'clock at the Frankfort city hall. When the boards met at the city hall Mr. T. L. Edelen, one of the republican attorneys, appeared alone, saying he had been designated to make the opening argument for his side. He said, however, that in the state of existing excitement it was utterly idle to talk about arguing the case at that time. He asked that argument be deferred until such time when the excitement had subsided. Col. Bennett H. Young, for the democrats, stated for the contestants that they would make no argument at all. Col. Breckinridge, for the republicans, also appealed to the board to defer the time for argument in view of the feeling existing. However, the board adjourned to 7 o'clock with the statement that argument, if any, would be heard then. The board refused to defer its meeting any longer. Ex-Gov. Bradley and Judge Yost sent a written notification saying that, owing to the state of excitement existing and threats of personal violence and danger of assassination, they could not venture to attend the meeting of the board and asked that action be deferred until such time as there was no excitement. At the night session both boards dispensed with argument and by a

strict party vote brought in majority reports saying that their decision was that "Senator Goebel and Mr. Beckham had received the highest number of legal votes, and that they were therefore elected to their respective offices." The reports did not give the grounds nor reasons for this finding, nor did they give the number of legal votes received by the contestants and contestees respectively. The three republican members of the boards brought in opposite minority reports.

The democratic members of the board conducted their deliberations with watches in their hands, believing that Senator Goebel's death might at any time be announced, and that they might not be able to report in his favor while life was in his body.

An effort was made to have a joint session of the democratic legislators in order to adopt these reports on that very night, but this was balked by the rule that required the call for a joint session to be first spread on the journal of each house.

* * *

The action of the members of the contest board in hurrying to a conclusion to unseat Gov. Taylor and Lieut. Gov. Marshall caused no end of excitement among the republicans, who said that it was a base attempt to take advantage of the disturbed conditions. That night about 9 o'clock Gov. Taylor wrote a proclamation that, if observed, would defer action of this kind and all other legislative business for one week. This proclamation was:

"Frankfort, Ky., Jan. 30, 1900.—To the General Assembly of the Commonwealth of Kentucky: Whereas, a state of insurrection now prevails in the state of Kentucky, especially in Frankfort, the capital thereof, by virtue of the authority vested in me by the constitution of Kentucky, I do hereby, by this proclamation, adjourn at once the general assembly of the state of Kentucky to meet at London, Laurel county, Ky., Tuesday, the 6th day of February, 1900, at 12 o'clock M.

"Given under my hand at Frankfort, Ky., this 30th day of January, 1900, at 9 p. m.

"W. S. Taylor, Governor of Kentucky.

"By Caleb Powers, Secretary of State."

* * *

There was comment all over the country upon the assassination. W. J. Bryan was found at Boston, Mass. His expression upon the tragedy was: "It is shocking, shocking. I trust that the shot will not prove fatal. Mr. Goebel has made a great fight against fierce opposition, and feeling was wrought up to a high

That Embarrassing and Suspicious Looking Package.



The Addressee—"It smells smoky and I think I hear a ticking noise inside. I guess I'll let the cabinet open it."
Chicago Chronicle, February, 1900.



NO FEDERAL INTERFERENCE.
Washington Post, February, 1900.

pitch, but I had no thought of assassination being resorted to. It probably was the act of some bitter political opponent. I cannot assume or believe that any considerable number of democrats or republicans would counsel or excuse such an act. I sincerely hope that the democrats will not allow excitement or resentment to lead them to acts of violence. I sincerely hope that. We can afford to permit the republicans to enjoy the monopoly of force and threats. Let the law deal with those who violate the law."

President McKinley said the affair was a great calamity.

* * *

After the shooting of Senator Goebel there was much discussion among the democratic leaders gathered at Frankfort as to the identity and motives of the person who fired the shot. The matter of identity they could, of course, not settle upon with ease. No one had seen the person who did the shooting. Several people who were in the vicinity of the capitol and grounds stated that they had seen faces at the executive building window, but none seemed to have seen any one shooting. Senator Goebel and Jack Chinn, in the center of the fire, were unable to tell definitely whence the shots came. That the shot had been fired from the executive building, and that there had been a conspiracy of persons politically opposed to Senator Goebel to secure his assassination, was the conclusion arrived at by Senator Goebel's friends. Threatening letters and warnings received by Senator Goebel or his friends were recalled. He had doubtless received more than one threat or warning of danger. It was stated that about January 25 a letter was received at Frankfort from a person in Middlesboro who claimed that he had heard of a plot to kill Senator Goebel and Appellate Justices Hazelrigg and Hobson. Senator Goebel was apprised of this warning, it is said, and urged to take care of himself, which he said, laughingly, he would do. That the republicans in the executive building were entertaining a number of partisans, especially from the mountain counties, was known, and suspicion among the democrats immediately fastened upon them as including the guilty person. One of them, it was thought, stood back in the darkness of one of the rooms in the building and aimed with his rifle through an open window. The other shots, it was supposed, had either been fired from the same place or from the side steps of the executive building by a confederate. The general opinion of those who insisted that the shots came from the executive building was that the fatal shot was fired from a third-story or attic window. Others put the sharpshooter on the second floor.

The republican officials who were in the building naturally disclaimed any knowledge of the shooting. They were all busy in their offices at various tasks when they heard the shots, they stated, and did not even see any of them fired, and when they ran to the windows the shooting was over. The various officials gave accounts of themselves. Several admitted that they had given lodgings to republican visitors of the poorer class who had come from various parts of the state.



CHAPTER XXVIII.

GOVERNOR GOEBEL.—Democratic Majority in Legislature Decides to Seat the Contestants.—Blocked by the Militia.—Solons Race With Soldiers.—Taylor Declares His Purpose to Remain Governor.—Federal Intervention Suggested.—Protest Against Proclamation.—Gov. Taylor Deplores Tragedy.—Senator Deboe Resents Blackburn's Remarks.—Goebel Has Hemorrhages.—Secret Meeting of Democrats.—Goebel Directs Operations.—Goebel Adjudged to Have Been Legally Elected.—Sworn in by Chief Justice.—Edict Dismissing the Military.—Ignored by Republicans.—Dual Government.—Weird Suggestions.

On the morning of Wednesday, January 31, the day following the shooting, Senator Goebel was announced to be still alive, improving and with a chance for recovery. The surgeons who had been summoned from Lexington, Louisville and Cincinnati had at their consultation decided that the case was hopeless, barring an extraordinary display of vitality upon the part of the wounded man. They were all dismissed in the morning and went away, leaving Senator Goebel in the care of the local physicians, whose services were reduced to the effort to keep him alive as long as possible.

The party managers were early astir so as to arrange the meeting of the legislature that was to adopt the contest committees' reports and declare Senator Goebel the legal claimant to the seat of Governor.

Early in the morning the democratic steering committees of the house and the senate held a consultation to formulate plans for holding a joint session, at which Goebel and Beckham could be declared elected to the offices of governor and lieutenant governor. It was determined to put on a bold front, march openly to the statehouse and demand admittance.

Hardly had the intention been made public when the rapid, swinging tread of bluecoats was heard. At the camp at Statehouse square Adj. Gen. Collier had received orders to move. A few orderlies dashed across the square. Commands were quickly given and in a few minutes company D of Louisville, commanded by Lieut. Jeffries and in charge of Gen. Collier and Lieut. Col. Gray, moved quickly out the gate at the front of the

capitol square. Another sharp command and the body of men moved rhythmically along the street at double time. Jeering crowds followed them to the Capital hotel, where they were suddenly halted.

Alarm at this martial display quickly subsided, however, when it was learned the troops were sent merely to prevent a session of the legislature at the hotel.

Shortly before 10 o'clock the legislators, democratic and republicans alike, went in a body to the statehouse. Between long lines of troops they passed up the walk. The way through the lobby was unobstructed, but at the foot of the stairs leading to the second floor two soldiers with crossed bayonets barred the way. A few at a time the members were allowed to pass this guard. Once past each member was handed a printed copy of the governor's proclamation. Permission to meet at the capitol was denied by the officers in pursuance to the proclamation. It was the first formal notice given of the proclamation.

Speaker Trimble moved to adjourn to the city hall. The members started for that point.

"Go quickly, or they will beat us there!"

This injunction was passed from man to man. The republican members, obeying the proclamation, dropped out of line. The solons did not reach the city hall in time, however.

To prevent evasion of the proclamation Capt. Austin Hyde was there with a Louisville company already drawn across the pavement in front of that building.

The democratic members of the legislature then turned their thoughts to other meeting places. The ballroom of the Capital hotel was suggested, although to get to it would have been necessary to pass the room where their leader was making a fight for life. Adj. Gen. Collier, however, put a stop to this intention by notifying the managers of the hotel that if any attempt was made to meet there troops would take possession of the hotel.

The courthouse was also thought of, but another company of the legion was swung out St. Clair street and deployed in front of the building.

It was the same story over again, and the legislators were permitted to look at the outside of the courthouse while the soldiers held the path.

Gen. Collier had arrived by this time, and Speaker Trimble, advancing from the crowd, said:

"Don't shoot, general."

"I am not going to create any trouble. I won't shoot unless I have to," was the reply.

"We wish to be admitted to the courthouse," said Mr. Trimble.

Both men were smiling.

"It cannot be done, gentlemen," said the general, calmly.

This settled it for the time being at least, and the crowd melted away, determined, however, to hold a meeting somewhere, and somehow, at a later time. Speaker Trimble announced that the legislature would adjourn subject to his call.

Both sides watched the outgoing trains that day to prevent members of the legislature friendly to them from leaving town. Delegations were sent by the democrats and republicans alike to every train to head off members who, from thoughtlessness or for other reasons, might try to get away. Every coach of the trains was looked through for this reason.

Their going to the depot to watch the trains gave rise to the rumor that some bluegrass town had been selected as the place of meeting by the democratic members of the legislature and that the men would slip off by degrees on various trains. Another rumor was that the session would be held in the Frankfort penitentiary, around which troops were also thrown.

* * *

Gov. Taylor's proclamation adjourning the legislature to London it was decided to ignore. To obey it would be to decidedly defeat the plan to swear in Senator Goebel as governor before his death. Authorities were brought out to show that the governor had no power to adjourn the legislature, although he relied upon a constitutional provision for his authority. As this question had never been tested there was, of course, no decision covering the case, and the governor's view and that of the democrats made a pretty contention. The section under which Gov. Taylor found his authority was one empowering the governor to fix the place of meeting when a state of insurrection exists. Aside from the law point raised by them, the democrats denied that there was an insurrection, and held also that London was a very bad place, as it was in a mountain republican county where there were a great many partisans of Gov. Taylor and in the midst of a lawless section, and that therefore it was not safe for them to remove themselves there.

In the course of the day the town was filled with rumors of all descriptions. Most of them had to do with the condition of Mr. Goebel. One rumor had it that he had expired at about 1 o'clock during the day. Another was that he gave up the ghost at 6 o'clock in the evening. On the other hand, rumors took the form that his injury was really insignificant and that it was



Wm. McK—y—"If I'd only sent a press censor to Kentucky. They do things better over there—and in the Philippines."
Chicago Chronicle, February, 1900.



"We Want no Tin Plate Cromwells in any American State."
New York Journal, February, 1900.



"Good morning. Have you made up your mind this morning?"
Chicago Chronicle, February, 1900.

magnified for the purpose of securing of public sympathy for his contest and the action of the democratic legislators. There was such an air of mystery about the Capital hotel, and such a lack of communication with the bedroom by other than the most intimate friends of Mr. Goebel, that doubts of all kinds were readily raised.

In the afternoon Sheriff Suter and County Attorney Polsgrove went to the capitol grounds to see Gen. Collier and entered a formal protest against the presence of soldiers. They were told that the matter would be taken under consideration. Soldiers were kept about the Capital hotel for several hours to prevent the legislators from holding a session, but were finally withdrawn.

* * *

Gov. Taylor held sway in his office in the executive building, surrounded by close friends. He appeared deeply affected by the distressing situation, but according to those that were with him, he was determined, and expressed himself in these words:

"I intend to be governor for the four years to which I was elected, or until I die, if it is before that time."

At Washington the Kentucky situation gave the president and cabinet utmost concern, principally because the president had been called upon by friends of Gov. Taylor to intervene in his behalf. The possibility of federal troops being required to adjust matters was also taken into consideration, but the war department officials took the stand that no troops could be sent without call to protect the property of the United States and the mails and interstate commerce, and none of these interests were even remotely endangered by the developments at Frankfort. Altogether it was apparent that lacking entirely the disposition to use troops in behalf of either party to the complication in Kentucky, the administration would be moved from its passive position only by some exceedingly radical change in the condition of affairs.

* * *

The democratic legislators in the course of the day issued a statement to the public, in which they said:

"Now, therefore, we, the undersigned representatives of Kentucky, do protest to the people of the commonwealth:

"First—That no insurrection exists, or has existed, in the vicinity of Frankfort or elsewhere.

"Second—That no danger or indications of danger exist, except such as have arisen from time to time from the presence and threatening movements of promiscuous hordes of armed mountain republicans, brought here by the acting governor and

his political colleagues for the sole but vain purpose of provoking resentment and counter demonstrations upon the part of the law-abiding citizens of the state, which course of conduct and its logical and inevitable, if not its contemplated, culmination, last Tuesday morning resulted in the assassination from a window of the executive building in the immediate vicinity of the office of the acting governor, of the Hon. William Goebel, a senator, approaching the threshold of the senate chamber in the exercise of his official duties, the victim being also the contestant for governor.

"Third—That the civil authorities of the county of Franklin were able and willing to enforce the laws, punish the offenders and protect the citizens, but an opportunity to do so was denied them in order that an excuse might be found for terrorizing the community with armed soldiery.

"We, your representatives, deeply deploring the necessity thus placed upon us of attempting to vindicate the fair name of our beloved but humiliated and bleeding state, the innocent victim of a thousand crimes, against these series of additional outrages culminating this day in the complete suppression of the legislative and judicial departments of the state government, the destruction of civil liberty and the enthronement of tyranny and treason, do declare the aforesaid conduct on the part of the acting governor and his colleagues to be without warrant of law, without justification of facts and without excuse, save an unwillingness on the part of the acting governor to submit his claims to the office which he now occupies to a fair and legal adjudication before the highest tribunal known to the laws of the commonwealth."

* * *

Gov. Taylor also issued a statement, in which he said:

"The most lamentable condition of affairs ever experienced by our people has rendered prompt action on the part of the chief executive of the state absolutely necessary.

"A long series of unprecedented and unlawful acts practiced by those in charge of the legislative interests of the state has culminated in the most fearful condition of the period to the state. The dreadful tragedy which occurred yesterday shocked and startled all, and can be no more sincerely deplored by any one than by myself.

"To attempt to legislate under such conditions of excitement and threatened violence as now prevails in Frankfort would be sheer madness, and I have, therefore, in the exercise of my constitutional power, adjourned the legislature to convene in London, Ky., on February 6.

"I have taken every precaution to preserve the peace, that every citizen may know that life and property are safe, and will be protected with every resource of the commonwealth. I trust that in this laudable effort I will have the support of every law-abiding citizen of Kentucky.

"W. S. Taylor, Governor of Kentucky."

✦ ✦ ✦

Senator W. J. Deboe at Washington discussed the slaying of Senator Goebel with utmost indignation at the imputation that it was done by republicans, resenting especially the statement credited to Senator-elect Blackburn. Senator Deboe said: "I regret very much the shooting of Senator Goebel, and condemn all such lawlessness. The criminal ought to be found and punished after conviction. The intimation of Senator Blackburn that the republican party was a party to any such crime is wholly untrue.

"It is true that there has been great excitement in the state for months. Gov. Taylor was fairly elected by the people and given the certificate by a democratic commission.

"Nine-tenths of the people of the state believe he ought to have the office, and it is only a few ambitious men who are trying to override the will of the people. This conduct on the part of the democratic leaders created great excitement throughout the state, and the bitterest feeling against Mr. Goebel was in the ranks of the democratic party. The tragedy in Covington, resulting in the death of John Sandford, created many enemies in the democratic party against Goebel.

"I think the crime against Goebel must have been committed by some lawless crank, which is a disgrace and a shame to Kentucky."

✦ ✦ ✦

The day was a hard one for Mr. Goebel, although he had passed the first night remarkably well. At 10 o'clock in the morning he grew worse, a high fever arose and his pulse was very high. At 1:30 o'clock it was announced that death would end all in an hour or two. He was troubled with internal hemorrhages and coughing. However, he fell asleep and awoke refreshed and with his mind active. His sister, Mrs. Herman Brunacker, of Hartwell, O., arrived. He grew so much stronger as night approached that his physicians said there was a chance for recovery. A large crowd of people were about the halls near the room during the whole day, waiting in suspense for news from the bedside.

✦ ✦ ✦

The anxious watch on the Capital hotel availed Gen. Collier nothing, for the democrats had decided to hold a meeting there and adopt the contest committees' reports. They claim to have held meetings. The journals of the house and senate state that these gatherings were held in the "legislative halls," but, as is known, these were not the legislative halls under the roof of the capitol. The republican version of this meeting is that the democratic legislators held no meeting at all, but indicated their vote on the matters handled by signing a paper passed round from hand to hand and wherever legislators could be found who would sign it.

The democratic leaders give Senator Goebel credit for planning the arrangements whereby he was finally sworn in as governor. They say that on the afternoon of January 31 he was well enough to announce that he had mapped out plans and called for John K. Hendrick, with whom he conferred over them. He also talked to B. W. Bradburn on the subject. It is related that there was discussion of the advisability of Senator Goebel resigning his seat as senator, it being believed that Senator Hill of Newport, who had been ill and unable to attend any of the sessions of the senate, had never been sworn in. It was stated that he said it was not necessary for him to resign, as Senator Hill had not been sworn, and that therefore it would take only 19 to make a quorum of the senate.

At any rate it was proclaimed that a quorum of the two houses had met first in separate sessions and then in joint session and adopted the report of the contest committees declaring Goebel and Beckham elected. Seventy-two members signed the proclamation, which was struck off in the shape of hand-bills and distributed in the lobby of the hotel shortly after 8 o'clock that night.

Public notice of the action of the legislators, signed by 19 democratic senators and 57 democratic house members, was given in this form:

"Whereas, The undersigned members of the senate and house of representatives, composing a majority of the general assembly of this commonwealth and of the two houses thereof, on this day, January 31, 1900, did go to the capitol, in the city of Frankfort, for the purpose of holding session of the senate and house pursuant to adjournment, and were then and there met by a large body of armed men, who had taken forcible possession of said building, and then and there, with arms, prevented the members of said general assembly from entering and holding a session of either house in the senate chamber, or hall of the house of representatives.

"Whereas, The undersigned members of the general assembly, as aforesaid, immediately adjourned from the capitol building to the opera house, in the said city of Frankfort, and were in like manner forcibly prevented from holding sessions in the courthouse in the city of Frankfort, to which the undersigned adjourned, said opera house and courthouse both having been forcibly and unlawfully taken possession of by said armed men; and

"Whereas, The contest board, which has been in session since January 15, 1900, in hearing the contest between William Goebel, contestant, and W. S. Taylor, contestee, for the office of governor, and between J. C. W. Beckham, contestant, and John Marshall, contestee, for the office of lieutenant governor, had decided such contests in favor of the contestants in each case, and had prepared in each case a report signed by more than seven members of each board, finding that in one case William Goebel had received the highest number of legal votes cast at the November election, 1899, and was then and there legally elected governor of the commonwealth of Kentucky and entitled to said office, and that W. S. Taylor had not been elected governor, as aforesaid, and was not entitled to said office; and in the other case finding that J. C. W. Beckham had received the highest number of legal votes cast at the November election, 1899, and was then and there legally elected lieutenant governor of the commonwealth of Kentucky and entitled to said office, and that John Marshall had not been elected lieutenant governor as aforesaid, and was not entitled to said office; and

"Whereas, The said William S. Taylor, now acting governor of this commonwealth, having learned said facts, and the further fact that the said contest board would on this day make report of their findings, in the said cases, to the two houses of the general assembly for its action thereon, the said Taylor for the fraudulent and unlawful purpose of preventing the general assembly from considering or determining the said contests, or either of them, did wrongfully and corruptly, in violation of his oath of office, and in violation of the law of the land, issue his certain proclamation falsely declaring that "a state of insurrection now prevails in the state of Kentucky, and especially in Frankfort, the capital thereof," and unlawfully and corruptly attempted to adjourn the general assembly to meet at London, Laurel county, Ky., on February 6, 1900, the undersigned members of the senate and house do now declare that no violence has been done, or attempted, or has existed in the city of Frankfort, save that which has resulted from and been the act of the bands of lawless men which said Taylor had brought to the capital and quartered

in the capitol and executive offices, from the window of which last named building on January 30, 1900, an assassin fired on and mortally wounded William Goebel, a senator from the county of Kenton, and contestant for the office of governor, while walking to the capitol to attend a session of the senate upon said day.

"By force, fraud and corruption, the said contestee, Taylor, has prevented our meeting at any place in the city of Frankfort, and announced through the lawless men acting under his orders that we shall not assemble to consider the said contested election case as a legislative body.

"In view of these facts we do now adjudge, determine and declare that the said William Goebel was elected governor of this commonwealth on the 7th day of November, 1899, and then and there received the highest number of legal votes cast at said election, and is now legally entitled to said office; that William S. Taylor did not receive the highest number of legal votes cast at said election for said office, and is not now entitled to hold the same; that J. C. W. Beckham at said election received the highest number of legal votes cast at said election for the office of lieutenant governor, and is now entitled to said office, and that said John Marshall did not receive the highest number of votes cast as aforesaid, and is not now entitled to said office; and we do now direct that this resolution and determination be entered upon the journal of each house.

"And we do now, in the name of the people of Kentucky, whose representatives we are, most solemnly protest against the unlawful act of the said William S. Taylor, acting governor of Kentucky, in filling the capital of the state with reckless armed men, who have assassinated an honored member of this general assembly, and in calling out the militia without cause, excluding the general assembly from the legislative halls and in preventing it from meeting to transact business of the commonwealth.

"Senators R. C. Crenshaw, L. H. Carter, J. D. Watson, W. O. Coleman, McD. Ferguson, Newton Frazier, S. B. Harrel, George T. Farris, W. T. Voiers, T. R. Welch, J. Embry Allen, Newton W. Utley, J. G. Furnish, J. J. Johnson, John A. Bell, R. E. Puryear, J. H. McConnell, J. M. Thomas, W. O. Jones.

Representatives Claude Terrell, Charles A. Nelson, George C. Traver, Ed C. Barton, W. T. Lafferty, John W. Alexander, Albert H. Charlton, G. Talbott Berry, Robert Swann, R. E. Watkins, L. C. Rawlings, T. J. Nickell, Eli H. Brown, jr.; V. H. Baird, I. N. Greene, John M. Letterle, A. I. Crawford, J. C. B. Conrad, P. M. Willingham, Christ Mueller, R. Owen Cochran, Allison Holland, W. F. Klair, C. L. Shawler, S. L. Vanmeter, J. M. McKinney, E. L. Weatherford, S. W. Booker, J. L. Egbert,



A BLUEGRASS RACE.
Washington Post, February 3, 1900.



GREAT BLUFFS RUN IN THE SAME CHANNEL.
Chicago Chronicle, February, 1900.

G. T. Finn, Ben Stephens, Emmett Orr, T. P. Perkins, M. Abele, A. S. Denton, W. A. Stith, W. H. Mimms, J. P. Holt, W. H. Collopy, J. C. Cantrill, G. W. Hickman, G. B. Stout, E. M. Money, H. B. Lyon, W. P. Cox, C. F. Boxley, David Bell, William Ray, Steve Henry, J. W. Hance, W. C. Ray, South Trimble, M. H. Sledge, T. M. Sharp, Abram Renick, T. H. Armstrong."

Among the house members were two or three who, under ordinary circumstances, would not have voted for the majority contest committees' reports.

None of the republican legislators were present at the meeting, and notice had not been given them. The absentee senators were Hays, Alexander, Triplett, Roberts and Gillespie, democrats, and Hill, democrat, who had been prevented by illness from attending every session; besides the 12 republican senators. The 19 senators in attendance, it was claimed by the Goebel people, constituted a quorum, although the senate has 38 seats. The failure of Senator Hill to be sworn in, it was maintained, made nineteen a quorum because there were really only 37 qualified members of the senate.

The witnesses to the inauguration of Senator Goebel as governor were announced as Chief Justice Hazelrigg, Dr. McCormack, John A. Fulton, Chief of Police Jos. W. Pugh, of Covington and John K. Hendrick—Judge Hazelrigg administering the oath, to which Mr. Goebel held up his hand. Mr. Beckham was then sworn in.

* * *

The first official act of Gov. Goebel was to issue a proclamation, dictated by him, as follows:

"Commonwealth of Kentucky, Executive Department.

"Frankfort, Ky., January 31.—Whereas it has been made known to me that certain persons without authority of law have banded themselves together for the unlawful purpose of forcibly preventing the general assembly of Kentucky from assembling and discharging their official duties at the seat of government and have for said unlawful purpose assembled in the city of Frankfort the first and second regiments of the Kentucky state guard and by force of arms have unlawfully taken possession of the hall of the house of representatives and the senate chamber of the state of Kentucky, as well as all other public buildings and archives of the commonwealth, and have by force, intimidation and violence expelled the general assembly from the capitol buildings and refused to permit the senate and house of representatives to hold their sessions therein, and are now terrorizing the representatives of the people and other good citizens of the commonwealth:

"Now, therefore, I, William Goebel, governor of the commonwealth of Kentucky, do hereby command the first and second regiments of the Kentucky state guard, and each and every officer and member thereof, to return to their homes and several avocations, and there remain until lawfully called into service,

"I also command all other persons whatsoever who are now unlawfully engaged in interfering with and intimidating the members of the general assembly of this commonwealth to disband and desist from terrorizing and intimidating the said members of the general assembly and all other good citizens of this commonwealth.

"Given under my hand as governor of the commonwealth of Kentucky, at Frankfort, Ky., this 31st day of January, 1900.

(Signed.)

"WM. GOEBEL."

Describing Gov. Goebel's feat in signing the proclamation issued just after the oath of office was administered the first time, Chief Justice Hazelrigg said: "He is a remarkable man, though, and when the proclamation was handed him to sign he insisted that it be read to him before he affixed his signature."

* * *

Offers of men who were ready to use force were received by the democratic leaders at Frankfort, but those in the management of affairs refused all such offers and declared that they were going to go entirely under the law in their steps to maintain what had been done by them. L. G. Sebree, one of the republican managers, was asked by a democrat what would be the next step of Gov. Taylor. Mr. Sebree said it was up to the democrats to take the next step. The guard around the state house had been doubled, he said, and what the republicans would do next depended upon what the democrats did.

Gov. Goebel's proclamation was read at various places in the city, notably from the stage at the opera house where a play was being given. The news reached the soldiers on guard at the state house, and caused some little stir among them, but they did not disperse, lay down their arms or take any steps to observe it. The news, when it reached Gov. Taylor and the republican leaders, was received with profound concern, and a consultation was called at once.

Gov. Taylor did not leave the executive building. He placed a guard about the executive mansion to protect his wife and children, in case of disturbance.

The democrats decided that they would sue out injunctions on the morrow against Gov. Taylor to prevent him from attempting to serve as governor. It was announced that Gen. John B. Cas-

tleman, of Louisville, who commanded the first Kentucky regiment in the Spanish-American war, would be appointed adjutant general by Gov. Goebel.

Thus, then, had been inaugurated a dual government in Kentucky, for Gov. Taylor and the republicans branded the whole proceedings as fraudulent and illegal, and maintained that Gov. Taylor's title was not affected in the least.

Kaleidoscopic as Senator Goebel's political fortunes had been, the rumors that followed the announcement that he had been installed as governor, seemed to grasp at things that might have been conjured up by a Jules Verne or a Victor Hugo. No tale in fiction, not even the substitution of a king in "Rupert of Hentzau" could equal the weird suggestions that were circulated among the wild groups scattered about the storm tossed capital city. Many affected to believe that Senator Goebel had been dead hours before the time the oath was said to have been administered, and that it was but a ghastly mummery over the gruesome death chamber that was being represented as court paid to a new sceptre. Persons had been seen coming out of the room crying, while the bulletins posted by one or two physicians indicated that death would be announced in a few moments. The announcement did not come that night, nor the next, while bulletins had the wounded man's life first ebbing away and then returning with a strong tide. The proclamation was not displayed; some said he had signed it and others said he could not have done it even if alive. The most was made of the uncanny idea. However, the chief justice of the court of appeals was authority for the statement that Mr. Goebel had been sworn. "A majority of both houses of the legislature declared for them," he said, "and when I was asked to swear them in there was nothing left for me to do but administer the oaths of office. The proceeding was, of course, merely legal and proper. I would not have done as I did had it been otherwise."

MARTIAL SCENES ABOUT FRANKFORT.



Democratic Legislators at Capital Gates.
Squad Patrolling the Streets.

On Guard Before the Capital Hotel,
Soldiers in the State House Grounds.

CHAPTER XXIX.

PARLEY BETWEEN RIVALRS.—Gov. Taylor Does Not Yield.—Suggestions of an Agreed Suit.—Injunctions Proposed.—Militia Remains.—Impetuous Democrats Would Use Force.—Legislators Barred From Capitol.—Taylor to the President.—A Pardon Not Honored.—Serious Trouble Appears Imminent.

On Thursday, February 1, the democratic leaders awoke with the responsibility of making good the authority of the man they recognized as governor. He lay in mortal agony on his bed in the hotel. Gov. Taylor, whom they contended had been relegated swiftly and irrevocably to private life, was at the executive building, surrounded by thick walls and over a thousand soldiers, all of whom appeared still to recognize the man who had called them there. There had been no exodus of soldiers nor any packing up and departure by Gov. Taylor. What Gov. Taylor would do would have to be found out by finding out—that was all. It was the same with the soldiers.

Before resorting to the injunction that had been discussed the night before, it was decided to try the militia men. If they would bow to the Goebel decree, Gov. Taylor would perhaps give up in disgust. The soldiers, however, appeared to be serene, and ammunition was being stacked up in the adjutant general's office. The tradesmen of Frankfort started to boycott the troops—refusing to sell them supplies on state warrants, but a lot of goods were sent up from Louisville and some purchases made in the town with ready cash, which was readily accepted. Stories of this or that officer resigning proved to be groundless.

During the morning T. L. Edelen, one of Gov. Taylor's attorneys, visited the democratic headquarters and talked with Attorneys McQuown, Hendrick and W. S. Pryor. Upon appearing he was immediately demanded to tell the governor to call off the militia, leaving only the local company of soldiers on guard, and the suggestion made that to preserve order Sheriff Suter could swear in as many republicans as deputies as might be desired. Mr. Edelen said he would have to confer with Gov. Taylor about that, but in the meantime he made a very important proposition to Goebel people, intended, it was stated, to test their sincerity in observance of law and order. It was nothing less



THE RETURN OF CIVILIZATION.
New York World, February 7, 1900.



KENTUCKY.
New York World, February 1, 1900.

than that an agreed case with a statement of the facts in the gubernatorial contests be submitted to the court of appeals and then taken to the supreme court of the United States for a decision between Goebel and Taylor. The republican governor's proposition was that matters remain in statu quo on both sides and every one pledge himself to submit to the decision of the highest court in the land. There were two conferences over this matter in the course of the day. No agreement, however, was reached, the democrats demurring to including in the statement that the democratic members of the legislature met secretly in Judge Pryor's room at the hotel and without notice to the republican members, and there singly and in blocks of four or five, signed the report.

* * *

While these peace arrangements came to nothing, it was given out from those in command of the soldiers that no more efforts would be made to prevent the democratic legislators meeting anywhere outside of the state house. Speaker Trimble, however, wanted to attempt a meeting in the state house and issued a call in the afternoon for a joint session in the capitol for the transaction of business. The democratic legislators, headed by Mr. Trimble, marched through the streets to the state house gate, followed by a large crowd. There were several soldiers at the gate. "Are you members of the legislature?" asked a sentry.

The reply being in the affirmative, they were permitted to pass into the yard and up the walk to the doors of the capitol.

When the big doors were thrown open, the interior was found to be swarming with a company of soldiers, Capt. Cochran, of Maysville, in command.

"Halt!" said the captain. "You are forbidden to enter here."

"By whose orders? We are members of the general assembly."

"I am ordered by the adjutant general to let no one pass."

Upon this Speaker Trimble gathered his men outside and addressed them as follows: "You have served notice that you desired to enter the legislative halls for the transaction of public business, but being held out by armed men, by the authority vested in me I now declare this body adjourned till further notice." The senators were adjourned in the same way and the members walked back to the hotel, where meetings were attempted but no quorums had. It was decided to hold meetings daily for the purpose of adjourning, as by a failure to meet and adjourn for three consecutive days, they would stand adjourned sine die, according to rules that had been adopted.

* * *

The attempt to adjourn the legislature to London was again the subject of severe criticism. Democratic members of the general assembly said plainly that it was done so that they could be killed with impunity, and the alleged lawlessness of the place was expanded upon. It was determined to ignore the order of adjournment.

It developed that Gov. Taylor had sent a communication to the president in the nature of a memorial, going at great length into the situation and making an explanation of the conditions there. No specific request was made for the presence of federal troops. The federal administration was not anxious to take up the question of giving Gov. Taylor recognition, although he doubtless painted the situation in most gloomy colors. It was decided at Washington to lay the matter over for a day.

Gov. Taylor made a test during the day. He issued a pardon for one "Doug" Hays, a young school teacher who was serving a five year term for manslaughter. The pardon had been signed by Knott county judges, ministers and others. The penitentiary officials refused to recognize the pardon. Much of a stir was caused by this incident because it was believed that Gov. Taylor would send the militia to forcibly remove the pardoned man. A crowd gathered to watch the operation, as it was believed the warden, who had a number of armed men at his command, would resist. A squad of soldiers did pay a brief visit to the neighborhood of the prison on a reconnoissance of some kind, but did not call for the prisoner.

Mrs. Taylor and her children were escorted to the executive building from their home by a file of soldiers and visited the governor for a few hours. Gov. Taylor was very difficult of access to strangers or any whom he did not personally know. Besides the soldiers he was guarded by a number of determined appearing men who scrutinized every visitor very keenly as if distrustful of them and fearing that an attempt might be made on the life of their leader. A company of soldiers from Gov. Taylor's home reinforced those at the capitol.

In some localities meetings of republicans were held upholding Gov. Taylor and praising his firm stand. On the other hand, democrats gathered at several towns and adopted resolutions severely condemning Gov. Taylor and declaring their belief in the authority of Gov. Goebel. In several places companies of militia were drafted for service under the Goebel banner. A Hopkinsville company of militia that had not been called out by Gov. Taylor, tendered its services to the Goebel adjutant general, whoever he might be.

Gov. Goebel passed a very bad day. He had one sinking spell

after another, and was kept alive only by injections of saline solution into his veins. At one time he said, "I am going to get well."

At night a number of men armed with pistols made a demonstration in front of Capitol square. The soldiers on guard pointed a Gatling gun in that direction, when the men dispersed.



CHAPTER XXX.

CONTEST AGAIN DECIDED.—President Refrains from Interference.—Democratic Congressmen Pledge Themselves to Counsel Peace.—Suit Against Gov. Taylor.—Process Server Arrested by Soldiers.—A Prisoner of War.—Goebel Again Sworn In.—Republicans Hie Themselves to London.

News from Washington came to Gov. Taylor Friday that the president decided that there was no necessity for federal interference at that time, that no federal troops would be sent. Gov. Taylor announced himself well prepared to get along without them. The cabinet meeting at Washington was to the effect that Senator Blackburn, Congressmen Rhea, Allen, Gilbert, Smith and Wheeler, all Kentucky democrats, had called upon the president and found him with his mind made up on this point. The members of the cabinet sustained him in his conclusion. It appeared that the law must govern in the case and authorized federal action only when the legislature was not in session and could not be convened. Messrs. Blackburn and Rhea acted as spokesmen for the Kentucky delegation, explaining their deep solicitation lest a collision should occur between the warring elements and protesting against federal interference. They claimed that the law and constitution had been closely followed by the democrats in the contest for the governorship and that they proposed to stand by the law. They desired that the crisis that had arisen should be met in the courts and determined by the law. They assured the president that the democrats would abstain from violence. Federal intervention would only aggravate matters, intensify the excitement and almost certainly lead to trouble and perhaps loss of life. They appealed to the president to avert such a calamity by abstaining from interference of any sort. Blackburn and Rhea said they were going to Kentucky to counsel peace and obedience to law. Senator Lindsay appeared and suggested also that federal interference would have no good results at this time.

The president in reply expressed his great anxiety over the situation, his profoundest wish that violence be avoided and that the contest should be legally determined. He assured the delegation in a general way that he deplored the situation and that federal

interference would come only as the last resort after having been invoked by the proper authorities under the law and constitution.

Senator Lindsay, being asked after the meeting why the democrats of Kentucky had refused to leave the settlement of the controversy to the United States supreme court, replied that doubtless it was because the supreme court had no jurisdiction. He added that the state court did have jurisdiction, and "as it was supposed to be friendly it was not reasonable to ask democrats to go to an outside court which had no jurisdiction and concerning whose predilections or prejudices nothing was known."

Gov. Taylor, goaded by severe comment upon the fact that he had offered no reward for the arrest of the person who had shot Senator Goebel, said that he had no authority to offer a reward, except by request, and offered one out of his own pocket. He made this statement:

"No request having been made to me as governor by the proper authorities of Franklin county, Ky., for reward for the arrest and conviction of the unknown party who shot Senator Goebel on the 30th day of January, 1900, I therefore offer on my own individual account a reward of \$500 for the arrest and conviction of such party. W. S. Taylor."

* * *

A petition was filed in the circuit court by Gov. Goebel's attorneys asking an injunction against Gov. Taylor and Adj. Gen. Collier to restrain them from removing or attempting to remove the legislature to London. The grounds given were that Mr. Taylor had unlawfully and with force dispersed the legislature and denied it admittance to the state building. They said the two houses had not disagreed in reference to adjournment at all, and that Mr. Taylor had based his effort at authority upon this constitutional provision:

"He may on extraordinary occasions convene the general assembly at the seat of government or at a different place, if that should have become dangerous from an enemy or from contagious disease. In case of disagreement between the two houses with respect to the time of adjournment he may adjourn them to such time as he shall think proper, not exceeding four months. When he shall convene the general assembly it shall be by proclamation, stating the subjects to be considered and no other shall be considered."

The existence of an insurrection was also denied; it was claimed that London was a lawless place; and said that Gov. Taylor and Gen. Collier were threatening to continue "their unlawful acts," and in fact denied everything that might give Gov. Taylor any authority under the provision quoted.



"GREAT MEN" SETTLE A VEXATIOUS MATTER.
Chicago Chronicle, February, 1900.

THE DECADENCE OF THE CIRCUS.



"These shows are getting pretty tough."
Indianapolis News, February 21, 1900.

Filed with this petition was a notice to the defendants that a motion for a restraining order would be made on the next day. Alonzo Walker, a stenographer for the contest boards, volunteered to serve this notice upon Gov. Taylor, and also one commanding the defendants to appear at the April term of court to answer proceedings for an injunction. By some means Walker obtained a pass through the lines and marched himself into the outer office of the governor's office at the state house. He found himself in a room full of soldiers and guards, all of whom eyed him very suspiciously.

After awaiting some time without getting a view of the governor, who was in another room, Walker feared that he would be ejected before he had time to serve the papers, so he quickly pinned the papers to the door of the governor's room and walked out. He had not gone many steps before he was overtaken by Col. Williams, of the second regiment, and placed under arrest. The astonished clerk was lodged in the cloak room of the house of representatives, which he found a very comfortable prison. Then he was informed that he was under arrest upon the charge of inciting mutiny, Gov. Taylor having issued an order of arrest against him. It appears that Mr. Walker was accused of talking to Louisville soldiers and urging them to disregard the authority of Gov. Taylor and Gen. Collier. He had at first thought he was imprisoned for invading the executive building with a court notice. As soon as Walker had been imprisoned Gen. Collier sent up to him a waiter and told him he could order anything short of champagne. Mrs. Walker was permitted to visit her husband.

The court notice was destroyed before Gov. Taylor could see it, as it was the intention to preserve him from any service of legal papers, and the guards were much chagrined that a paper had been smuggled into the building. It was held by the republicans that Gov. Taylor had not been legally served with the notice after all. The arrest of Walker, again, put a serious aspect upon matters. There was immediate talk of securing a writ of habeas corpus and enforcing it with all the special deputies the court could summon.

For their part, the republicans discussed applying to the federal court for an injunction against the democratic claimants and majority in the legislature.

* * *

On this day the democrats "as a clincher" held another session of the legislature at the Capitol hotel to decide the title to the governorship over again. Separate sessions were first held and then a joint session at which the adoption of the majority report

of the contest committees was ratified, and the oaths were again administered to Mr. Goebel and Mr. Beckham. This was done to remove whatever doubt existed in the minds of the skeptical as to the title of the contestants to the respective offices of governor and lieutenant governor. It was the democratic claim that only a joint session was necessary, but to make doubly sure they held separate sessions first. The meeting took place at democratic state headquarters. This time the oath was administered by Circuit Judge Cantrill. The same 19 senators that participated in the former action and fifty-five representatives were on hand. It was announced that Senator Goebel had resigned before being sworn in the second time. They figured that nineteen members formed a quorum in the senate.

✦ ✦ ✦

The republicans made preparations to go to London, members of both houses calling a caucus for Monday, February 5. At London the people were making preparations to receive the legislature and sending out emphatic denials of the severe charges of lawlessness made by the democrats, all of which charges were branded as being altogether false, malicious and injurious. The republicans dropped a hint that made the democratic legislators very uneasy. It was that if the republicans found themselves at London with a minority they would send out a sergeant-at-arms to arrest enough other members to make a quorum in each house. It was stated that only one company of soldiers would be sent to London. Whether Gov. Taylor would go to London was not at this time known. It developed afterward that he had no intention whatever of accompanying the legislature and intended to remain right in the executive building at Frankfort.

✦ ✦ ✦

Gov. Goebel spent another day hovering between life and death, although he was said to have been strong when the second oath was administered to him. He was able to sip a little champagne and eat a bit of ice cream.

✦ ✦ ✦

Discussion regarding the character of Mr. Goebel's wound ran high. Some were insistent upon their claim that it was impossible for the wound to have been inflicted from the front, as the wound there was larger than the hole in the rear. Of the fifteen medical attendants upon Mr. Goebel after he was shot Dr. Ap Morgan Vance, an eminent surgeon of Louisville, made the most succinct statements regarding the direction the bullet took, etc. He gave out the following signed statement on February 2; owing to the great discussion that had arisen over the matter.

"I saw Mr. Goebel at 4:30 o'clock in the afternoon of the day he was shot and made an examination about 5 o'clock. He had a wound in the right chest, entering just below and in front of the armpit. This wound ranged downward and backward, leaving the body two inches to the left of the spinal column, evidently having passed back of the spinal cord, but probably wounding the posterior part of the column. The wound to all appearances was made with a large caliber ball and the patient was still in marked collapse, no reaction whatever having taken place."



CHAPTER XXXI.

DEATH OF GOV. GOEBEL.—Battle for Life.—Brother's Race to the Death-Bed.—Demise Announced.—Beckham Sworn in as Governor.—Another Proclamation.—No Impression on Gov. Taylor.—Roosevelt's Comment.—Tributes to the Dead Leader.—“He Has Paid the Debt.”—“A Warrior.”—A Peaceful Sunday.—Military Prisoner Released.—Rumors of Trouble Ahead.—An Olive Branch.—Mountain People Speak Through Judge Brown.—Justus Goebel's Resolve.—Mrs. McChord's Devotion.—Senator-Elect Blackburn's Plight.—Detectives at Work.

“Tell my friends to be brave and fearless and loyal to the great common people.”

These, it was represented, were the last words of William Goebel, uttered some time before the end finally came on the evening of Saturday, February 3. The words, full of a noble sentiment, were accepted by his earnest supporters as an inspiration. His death was the feature of another anxious day in the most eventful period in Kentucky's history.

Gov. Goebel had rested well until about 4 o'clock in the morning when he became very weak and distressed. He was given stimulants, but his physicians saw that the final collapse was coming and that he was about to succumb in spite of a series of simply wonderful rallies. He called for John K. Hendrick at about 5 o'clock, although his physician demurred. After a conference with Mr. Goebel's brother, Arthur, Dr. McCormack, who was in charge, decided to call Mr. Hendrick, and that gentleman held a conference with the wounded man lasting about twenty minutes and dealing with certain party measures.

At about noon Gov. Goebel lost his clearness of mind and relapsed into a stupor, and he was kept alive by means of administrations of oxygen. The Rev. Taliaferro, of the local Methodist church, called and prayed with the dying man, afterward conducting a prayer meeting in a parlor of the hotel. This meeting was attended by many who were waiting about the hotel for news of the wounded man's condition. The women in attendance were greatly affected by the services. One of them offered up a prayer, asking that the Almighty, if He willed that Gov. Goebel should die, his assassin be apprehended and dealt with

according to law. The clergyman said of his visit to the room that he believed Gov. Goebel understood his ministrations and desired to show faith in the Supreme Being.

Only Arthur Goebel and his sister, Mrs. Braunacker, were in the room when Mr. Goebel died. "He passed away painlessly at 6:40 o'clock in the evening," it was announced to the silent groups in the hotel halls and lobbies.

The other brother, Justus Goebel, had been momentarily expected to arrive from Arizona, whence he had been summoned. It was a long journey and was truly a race against death's fleet course, the brother speeding over the country to reach the bedside at Kentucky's capital before life was extinct in Wm. Goebel. He left Phoenix, Arizona, on Wednesday night, made good connection as far as New Orleans and from New Orleans to Cincinnati. From Cincinnati he went to Frankfort, arriving there at 7:45 o'clock, without knowing whether he would find his brother still alive. The words, "Will is dead," uttered by Arthur Goebel, was the hopeless announcement that greeted him as he dashed into the hotel.

* * *

Within an hour after the death of Mr. Goebel, Mr. Beckham was sworn in as governor, assuming that position in view of his claim to the seat of lieutenant governor and incidentally the succession to the higher office in event of the death of the governor. He had, in fact, been sworn in earlier in the day as acting governor, this arrangement having been made because of the fast failing condition of Mr. Goebel. He was not sworn in again until Dr. McCormack had prepared the certificate of death.

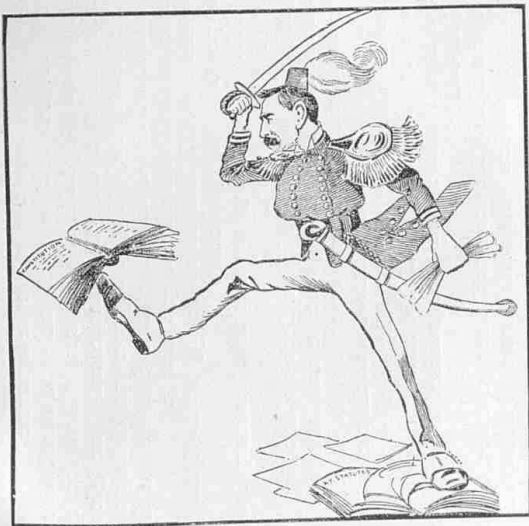
Until this formality had been gone through the democratic attorneys were unwilling that Mr. Beckham should take the oath. It had been determined also to keep secret the news of the death of Gov. Goebel until Mr. Beckham had been formally inducted into office.

The oath was taken at a room in the Capitol hotel, but a few doors from the one in which lay the body of Gov. Goebel. After Dr. McCormack had sworn to the certificate of death and Clerk Sam J. Shackelford, of the court of appeals, had attested it, Mr. Beckham was called up to the table. He had been standing in the far corner of the room, and at once advanced to the table with a flush of excitement on his youthful face.

"Sign the oath," said Col. Bennett H. Young, pushing the paper toward him.

Mr. Beckham hesitated, and Col. Young repeated his request.

"Let me be sworn first," said the young man.



TAYLOR AND HIS CONTEMPT FOR THE LAW.
Louisville Times, February 6, 1900.



A VOICE FROM THE GRAVE.
Chicago Tribune, February, 1900.

"You must sign the paper before you take the oath," said Col. Young. "We want your oath to the signature."

Mr. Beckham advanced to the table and affixed his signature, and, then stepping back, held up his right hand for the oath, which was read to him by Mr. Shackelford. The light was none of the best and the writing on the paper none of the most legible, and Mr. Shackelford made slow work of it. All the time Beckham stood before him with his eyes shining.

When the clerk read the concluding words of the oath, "So help you God," the reply came:

"I do." Then with greater emphasis, "And may God give me strength to do my duty."

Just before being sworn in Mr. Beckham, as acting governor, issued an order removing Adjutant General Collier and Assistant Adjutant General Collier, and dispersing the Kentucky state guard. It was sent out to be served upon the parties named. It came back indorsed by Harry McKay, who had been appointed an aide by Mr. Beckham, with the statement that it had been shown to one of the captains, who promised to deliver the order to Gen. Collier.

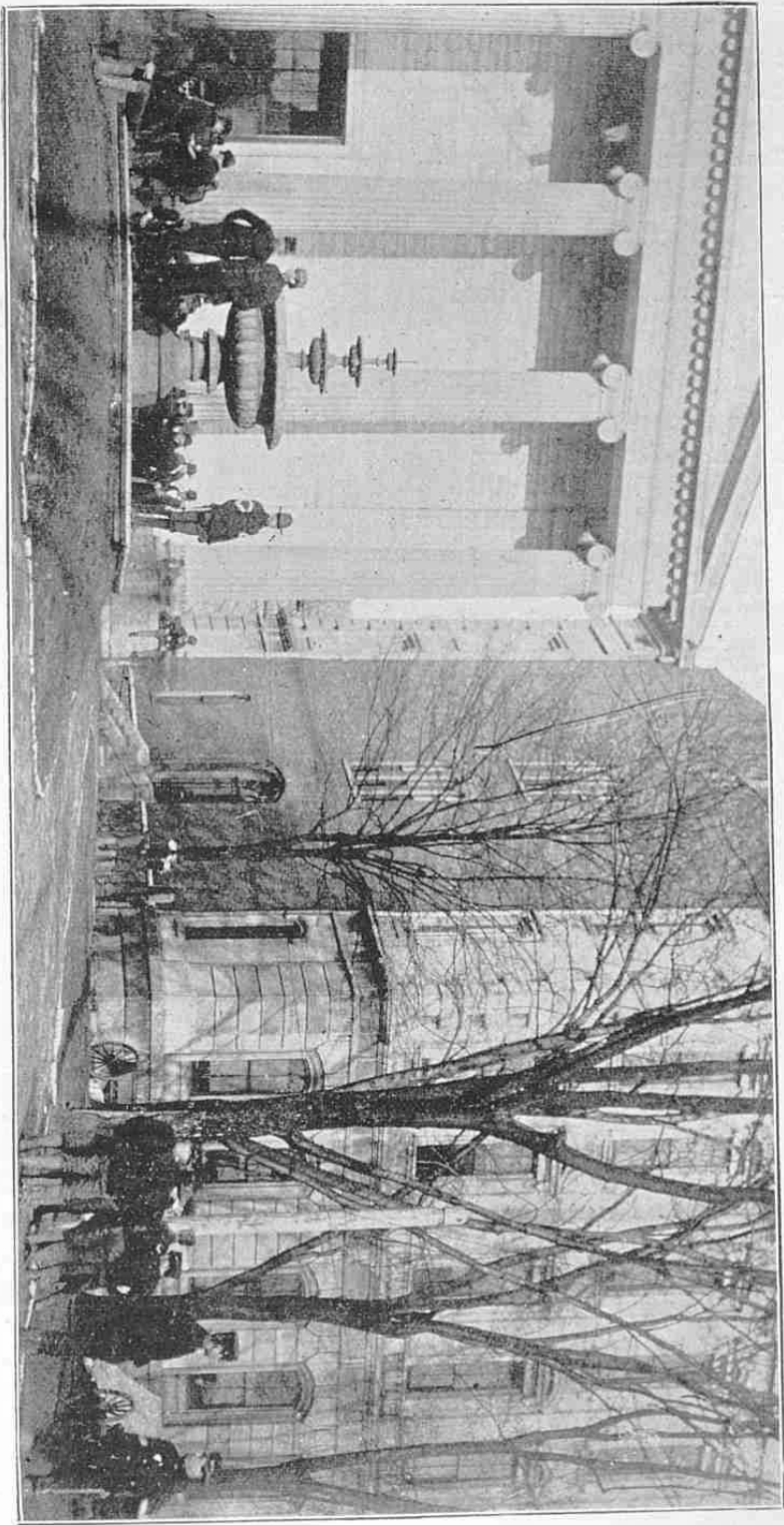
After assuming the duties of the new governor, he issued an appointment to Gen. John B. Castleman, of Louisville, as adjutant general, and also issued this proclamation:

"To the People of the Commonwealth of Kentucky:

"With the profoundest sorrow I announce to the people of this commonwealth that the work of the assassin has ended in the death of Gov. William Goebel, and that, under the constitution and the law, upon notice of this deplorable event, I have qualified and assumed the duties of chief executive of the state.

"In William Goebel Kentucky has lost one of her greatest and noblest sons. His high character for courage, manliness and honesty in defense of the rights of the people led to his destruction; and while yet in the vigor of his manhood he has become a martyr to their cause.

"I enter upon the discharge of the duties of this high office surrounded by conditions and circumstances which would tax the wisdom of men far stronger than I. Knowing well the trying difficulties that are ahead of me, and the dangers which surround me have already compassed the destruction of civil government in the capital of the state, I hereby solemnly warn and command that all violent characters and militia of the state, now in possession of this city and the public buildings, do immediately disband, lay down their arms and return to their homes and occupations. Feeling most deeply the responsibilities and diffi-



MILITIAMEN IN CHARGE OF CAPITOL SQUARE.

culties of the situation, I invoke the aid and support of all the law-abiding and law-respecting Christian people of this commonwealth; and I promise in a legal way, if within the power of man, to restore peace, quiet and protection to all individuals, regardless of party or station, under the constitution, which I have so solemnly sworn to obey.

"Given under my hand at the city of Frankfort this, the 3d day of February, A. D. 1900. "J. C. W. BECKHAM,
"Governor."

Senator-elect Blackburn had arrived on the scene, and with others, joined in making the following formal announcement of the demise of the leader:

"To the People of Kentucky:

"It is with the most profound sorrow that we announce the death of Gov. William Goebel. In his last moments he counseled his friends to keep cool and bow to the law in all things. We, his friends and advisers, beg of the people of Kentucky in this hour of affliction to carefully abstain from any act of violence or any resort to mob law.

"He would wish, if he were alive, that there should be absolutely no stain left on his memory or by any imprudent act of any who were his friends. The law is supreme and must in time be re-established, and all the wrongs he and his party have suffered will find their proper redress.

| | |
|----------------------|---------------------|
| "JO C. S. BLACKBURN. | "WILLIAM S. PRYOR. |
| "UREY WOODSON. | "C. M. LEWIS. |
| "J. B. M'CREARY | "JOHN K. HENDRICK. |
| "JAS. ANDREW SCOTT. | "LEWIS M'QUOWN. |
| "B. W. BRADBURN. | "S. J. SHACKELFORD. |
| "C. C. M'CHORD. | "SOUTH TRIMBLE." |
| "L. H. CARTER. | |

* * *

Instead of being impressed with the mass of proclamations and other documents coming out of the Capital hotel with such rapidity, the soldiers made preparations as if to remain at the arsenal and state house permanently. Walker was not released from "durance vile" on Saturday. A petition for a writ of habeas corpus was filed in the afternoon before County Judge Moore, claiming that Walker was being unlawfully held a prisoner at the executive building. The writ was granted by Judge Moore against Gov. Taylor, Gen. Collier and Col. Williams. Sheriff Suter was given the writ to serve. He hastened over to the state house with it. He was halted at the gate and did not

even get to see any of the defendants, reporting accordingly. There was talk of organizing a posse to secure service of the writ, but the posse did not develop that night. The county court officials were very indignant and said that the effect of the action of the defendants had been equivalent to a declaration of martial law.

The news of the death of Mr. Goebel brought out, as his injury had already done, hundreds of messages of sympathy. At some places meetings were held and appropriate resolutions were adopted. The press of all parties commented upon the sorrowful event in the most respectful tone.

Senator Deboe wired from Washington to Gov. Taylor advising that he permit the legislature to meet in Frankfort.

A temporary restraining order was granted by Judge Cantrill against Gov. Taylor to prevent him from interfering with the meeting of the legislature in Frankfort. Gov. Taylor was not represented in court, he ignoring the hearing, and the hearing for an injunction was set for the following Thursday. Judge Cantrill, when it was suggested that service should be made upon the defendant, said the order should be made binding without service, "because of the danger threatening the man who should undertake the task and the results that might ensue, owing to the excited state of the public mind."

Over the state, the news of Gov. Goebel's demise was received without causing excitement or disturbance. Many had been apprehensive, lest the agitation that had been made over the shooting would bring outbreaks upon his death.

The coroner of Franklin county decided to hold no inquest, unless the relatives of Gov. Goebel demanded an inquest. Neither an inquest nor an autopsy, it was claimed, would reveal anything that was not already known.

✦ ✦ ✦

Under date of February 3, Gov. Roosevelt, of New York, made this comment regarding the situation in Kentucky:

"Mr. Taylor is governor by every principle of law and equity and he and his followers, of course, resist to the last extremity the recklessness and unscrupulous conspirators who are endeavoring to do by violence after election, what they failed to accomplish by the most scandalous fraud prior to and during election.

"The sole and undivided responsibility for all bloodshed past and to come, lies with these same conspirators and with all who in any way abet them. Under no circumstances whatever should there be any backdown by Gov. Taylor and the lawful

authorities in Kentucky and they are entitled to the hearty backing of all good and law-abiding citizens throughout the union."

* * *

Tributes to the deceased leader were by no means lacking.

Henry Watterson's expression upon the death of Gov. Goebel was in this strain:

"He lies dead at Frankfort. He can never again speak for himself. We take lieve to speak, not for him, but in his behalf; in the defense of the good name which he wished to leave behind him, now dear only to the bereaved ones of his own family, though honored by his political associates; for he lived a lonely, isolated life; was cheek-by-jowl with no one; a simple student who aspired to be a leader and a statesman. He was ambitious. The eulogist of Caesar called it a grievous fault, and grievously has William Goebel answered it. But there are kinds and degrees of ambition. He wished to do the state some service. He thought the best way to attain this end was to represent the interests of the great body of the people against the growing aggressions of the chartered companies. It cost him his life. He has paid the debt. He is gone.

"But, being a student, sustained by the rectitude of his convictions along with the knowledge of his researches of the chartered companies like a statesman, not like an empirist. He did not seek whimsically or corruptly to oppose them; but, rather, to moderate their excess, to restrain them within the bounds of their chartered rights. To accomplish a task so needful and difficult required not merely legal learning and acumen, but personal courage of the first order; because in the capitals of all our states there are lobbies, which, when the artifices of corruption fail, know how to handle the appliances of intimidation; in the older states the machinery is blackmail; in the newer, the menace of personal danger. Mr. Goebel feared none of these. He went his way, disdaining them. He did his work in their despite. Because of this he became a leader, and the only leader in Kentucky whom corruption and corruptionists seriously feared. They could not buy him and they could not bully him. They had to cause him to be killed; and, like the blowing up of the Maine in Havana harbor, his death will be the signal for such just retribution to them as came to Spain. It throws a flashlight upon the whole subject of the relation of the public corporations to the state and to the people. It is as a signal to honest and patriotic men of all parties to unite against the growing danger of monopoly.

"If William Goebel had survived these tragical times nothing could have stood in the way of his going to the head of the peo-

ple's column for physical and moral emancipation from the brute power of money. His death unites the democrats of the United States. All of us, from Maine to Texas, from New York to California, will dip our handkerchiefs in his blood, sworn to fight the fight out on that line if it takes the whole of the coming century. That is all that we can do for him now; but, standing over the grave of this brave and pure young spirit—maligned beyond recall, hounded to that grave by men who knew better—this we can pledge ourselves to do. The grief of Goebel's taking off is domestic. The issue is national.

"William Goebel was not a man to attract the public. He was not a man to convulse an audience or to set the table in a roar. But his brothers and sisters loved him; and he was so good a son that, after his mother's death, he kept her membership of her church alive and paid for her pew, as if she herself had still been living. He had the misfortune to be born of poor German parentage. Before he was five and twenty, he was the law partner of the late Gov. Stephenson, the very Ultima Thule of the patricianism of Virginia and Kentucky; who, dying, left him his great estate to manage without a bond; and, later, the law partner of John G. Carlisle, who did little credit to himself and his real friends in Kentucky, when, during the late campaign, he permitted himself to be quoted even seemingly against Mr. Goebel, for Mr. Carlisle knows, and so does the editor of the *Courier-Journal*, Mr. Carlisle's steadfast friend, that in 1896 Mr. Goebel did Mr. Carlisle no wrong whatever.

"The killing of Mr. Sandford by Mr. Goebel is the pivotal point upon which Mr. Goebel's character has been arraigned. It was a street duel. Mr. Sandford was a dead shot. But when the bullets passed Goebel's hit and Sandford's bullet missed. It was so clear a case of self-defense that in a city where Sandford had ten devoted friends to Goebel's one, nobody seriously thought of indicting Goebel.

"In the convention that nominated Mr. Goebel for governor the Louisville & Nashville railroad was the main factor. After a week of battle, day and night, Mr. Goebel beat the combination of brute force and money, and won the nomination; doing nothing to his competitors—whatever he did to them—that they were not ready to do to him. Every man, woman and child in Kentucky knows this to be the truth.

"The one just accusation against Mr. Goebel is the election law that bears his name. The *Courier-Journal* opposed it earnestly. Mr. Goebel himself doubted its wisdom. The law was not of his origination. His instincts and his intelligence were against it. He found it to be a stumbling-block in his canvass

for governor. He became convinced that it was an ill-judged law. He stood ready to have it so modified as to make it a good law. But, during the period of its passage * * * he could not see these things, and so the Goebel bill was enacted into law. * * *

Another expression was by Hon. C. M. Clay, jr., of Paris, Ky., who had been defeated by Gen. Hardin for the democratic nomination for governor in 1895, and who was president of the constitutional convention when Senator Goebel was a member of that body, and who served with him in the state senate. He said:

"We have differed politically on some of the great issues, and in the last few years I have seldom met him. He was my friend and I knew him well. The words that I now speak of Mr. Goebel are not to be considered as the fulsome phrases of praise and eulogy given a man when he is dead, but my honest and accurate analysis of his personal character and public purposes. I always found him utterly reliable and truthful, one of the very few men that I have known in public life who was absolutely undaunted in carrying out those measures that he thought necessary for the welfare and protection of the great mass of the common people. No bribe of any sort, honor or political preferment, danger or fear of personal consequences could abate one jot or tittle of that capacity, energy or action that he had consecrated to the service of the people.

"By nature a radical and eminently fitted to be a great tribune of the people, he, in the fierce fight for the protection of the plain people against the colossal corporate power, might have, from a conservative standpoint, committed some mistakes or errors, but this did not come from any abating of the conscience or the weakening of the moral force, but from the fierceness and unscrupulousness of the fight made upon him and from his earnest and indomitable desire that the people, whose cause he ardently believed he represented, should prevail.

"A great many of us think that his greatest political mistake was the passage of his election bill. But to Mr. Goebel, who had consecrated his abilities and energies to the fight in behalf of the protection of the plain people against the encroachments of the corporate power, such a bill seemed absolutely necessary to prevent the debauching of the elections by the money and influence of the said power. He felt, however mistaken he may have been, that it was a bulwark in defense of the rights of the people. This fight of his to restrain the corporate power within what he thought due limits was no new fight with him, assumed for demagogic purposes, but commenced with the first day of his official life and continued until the hour of his death.

MEDIATION MAY BE REQUIRED AT HOME.



Dame Europe—Help! good sir!
Uncle Sam—Beg pardon, madam, but here is a little affair at home
that may keep my hands pretty full for a while.
Minneapolis Journal, March 13, 1900.

THE BAR-RICADE AT FRANKFORT.



A Comic View of the Kentucky Situation.
Chicago News, February, 1900.

"I shall attempt no estimate or analysis of his intellectual abilities, for by his public acts and speeches such estimate can be made by the world. Suffice it to say that they were of a very high order. But amidst the mountains of abuse and contumely that were heaped upon his personal and moral character, and this in a greater degree than ever before known on account of the strong, selfish interest behind it, I felt it my duty, being one of the few who really knew him (and at the best there are very few who so know any man) to give my honest evidence in behalf of his moral purpose and high and lofty integrity.

"To a man who has been somewhat in political life, among the great crowd who are influenced by selfish and paltry motives, fearful of their very shadows in a defense of principle to a great extent unreliable, it is very refreshing to meet men of Mr. Goebel's high character, brave, truthful and devoted to high principles and purposes. A very eminent lawyer, a kind and indulgent brother, a reverent and obedient son, a plain, simple and pure man in private life, an undaunted and fearless champion of the people, he has died, as he earnestly believed, fighting their battles, a warrior with his harness on, in the strength and vigor of his manhood.

"Where in Kentucky shall we find his like again? Who shall take up his cause with the same courage, ability and zeal to protect the rights of the plain people of the state? George Washington was no greater patriot and friend of the common people than was the fearless William Goebel, who has gone to a glorious, though an untimely death, cut down by the murderous bullet of an assassin. * * * "

There were other expressions equally eulogistic.

* * *

After such a week of agitation it was not surprising that the following Sunday was correspondingly quiet. Physical exhaustion as well as mental strain made the Sabbath one of welcomed relaxation, although persons intimately concerned in the happenings of the previous few days were as active as was incumbent upon them. In the little capital city in the services at some of the churches the clergymen delivered sermons full of veiled allusions to the turmoil that had been witnessed by nearly all of the members of the congregation, and only an occasional shot broke the stillness. These sounds, however, provoked no alarm, as they were attributed to the accidental or playful discharge of firearms, which was the case.

The soldiers about State House square had a few visitors to stare at them, and varied the monotony by indulging in guard mount. After dark some men fired shots in the neighborhood

of the capitol grounds, probably with a view of giving the militiamen a bit of uneasiness.

While it was so dull on Sunday, there was no lack of fear as to what the morrow might bring forth. Monday was the regular county court day, which usually brings hundreds of Franklin county citizens to attend court, "swap" horses, sell produce and purchase groceries and dry goods. The news of the violence of the week had by this time spread all over the surrounding country, and, well populated as it was with Goebel partisans of a pronounced type, it was presumed that they would attend in larger numbers than usual. A crowd of this kind in town promised trouble, especially if a call were issued by the county court for a posse to execute the habeas corpus writ for Walker. After the writ had failed of service on the night before, there had been much muttering, and a demand by the court for assistance in executing the writ would have been responded to by many reckless men, no doubt. There was speculation whether the crowds on Monday would be asked to form a posse. Besides, in Louisville there was a movement as if toward forming a posse, and it was announced that a company of militia had been organized and offered Gen. Castleman.

Therefore, while it was dull at the capital, trouble was still latent in the air.

There were several things to lessen the chances for disturbance. One was the arrangement to remove Mr. Goebel's body to Covington. Another early in the day was the voluntary release of Alonzo Walker by the military authorities. He was told by Capt. Williams:

"Well, Mr. Walker, we have agreed to an exchange of prisoners, and you are to be given your freedom."

"I can go, can I?" asked Walker.

"I guess so," was the reply, and the colonel then added with a laugh: "We have exchanged you for one Zulu and three Filipinos, and, as we expect them every minute, I guess it will be all right for you to have your freedom."

Walker was then allowed to go, after notice had been served upon him that the charge against him was still pending and could be pushed at any time if the military authorities should so decide. In some quarters it was believed that Gov. Taylor had been told from Washington to release the prisoner, but Col. Williams denied it.

The democratic legislators, and in fact all the transients of that party, except those who were engaged in arranging the Goebel funeral, left Frankfort. Gov. Beckham went to Louisville, as did most of the senators. The representatives seemed headed the

other way, many of them turning up in Cincinnati, Ohio, across the river from Covington, Senator Goebel's home. The advisability of holding their legislative meetings in Louisville was discussed by the democrats. At these places, when asked why they scampered away from Frankfort, they said that they feared arrest by Gov. Taylor's militia, and had departed to avoid this, as they did not want to be taken to London. A few did not go away from Frankfort. Some left the town after train time Saturday night, driving across country to catch trains on another line.

Mrs. Taylor visited her husband at the executive building, being escorted by a file of soldiers. She and her children had suffered greatly through fear and excitement, but she was able to exert a tranquilizing influence upon her husband, who was well nigh a physical and nervous wreck from the closing hours of the campaign up to this time. The governor had not left his office since the Monday night before.

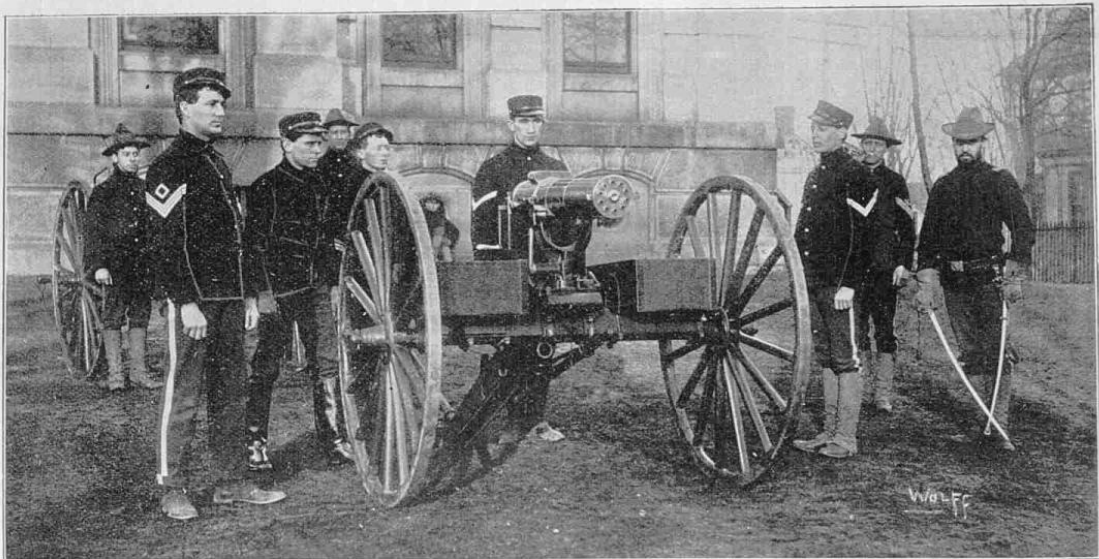
Mr. Taylor received a number of encouraging messages from various points in the state. Some of these urged a little moderation on his part, one from Louisville suggesting that he might as well allow the democratic legislators to gather in the state house, if they desired, as their meetings there were as illegal as anywhere else, if they refused to go to London in obedience to the proclamation.

The most important happening of this day, remarkably quiet for the period, was the visit of Lieut. Gov. John Marshall, who came up from Louisville to see Gov. Taylor. He not only held a confab with the intrenched chief executive, but caused no little surprise among bitter partisans by calling at the Capital hotel and shaking hands with several democratic leaders in the lobby. D. W. Fairleigh, who accompanied him, went up to Mr. Blackburn's room and had a brief consultation with the senator-elect.

This was distinctly an olive branch function, and relieved the tension wonderfully, since it meant a joint meeting of republican and democratic leaders in Louisville on the next day—a peace conference. The preliminary steps had been taken for a marked reaction.

* * *

For their part, the republican members of the legislature left Frankfort, some of them going straight to London, where they were to have a caucus on Monday, the 5th, the day before the convening date. Their action in drawing away was intended to be a soothing incentive for the brethren of opposite faith to do likewise. This was not effective, as the selection of London was much in disfavor. The reputation of the town as a place of peace had been systematically attacked from the time that Gov. Taylor



A GATLING GUN SQUAD DRILLING IN FRONT OF THE EXECUTIVE BUILDING.

had indicated it as the place of meeting, and the democrats felt very justified in pointing to that as a good reason for leaving it out of their calculations. Circuit Judge Brown of that place about this time came to the front with a very emphatic defense of the town, and by courtesy of the Associated Press was enabled to give to the world a very different statement. He sent out this statement:

"The papers of northern and eastern cities have vied with each other in their efforts to slander our town and county, while some of our own Kentucky papers have so far forgotten the truth as to be a party to the slanderous attacks. Among the infamous charges it has been said that London is the very mouth of hell; that it is the center of the so-called feud district, and that the citizens of this county are a band of outlaws, ready and anxious to pounce down on the legislature and tear it to pieces, or upon those members whose political affiliations differ from the predominant party in the county. I desire, in behalf of the people of my native county, in behalf of the people whom I love and among whom I was born and reared, to denounce all of said charges as absolutely false. As to feuds, Laurel county has never in her history known such a thing. As to the charge that our citizens are outlaws, a baser falsehood could not possibly be fabricated. Ours is one of the mountainous counties, but the mountains are the glory of the earth, the home of liberty and the best nursery of good citizenship. Our people have their convictions. They believe thoroughly what they believe, but they are too honorable, too honest, to resort to dishonorable means to force their convictions upon others. In education, industry and moral worth the people of London will compare most favorably with any city or town in Kentucky. The habit has been formed out of Kentucky of judging the state as a whole by the worst characters to be found in the mountains or in the lower classes of the city. The world does not seem to know that cultured Boston or metropolitan New York would fare even worse by the selection of such standards. I assert that in no town is good order appreciated more fully, and in no county is the law more vigorously enforced than in London, and I am sure that the members of the legislature and all other strangers now within our gates will hereafter bear witness to the truth of my statement."

Justus Goebel announced that henceforth his home would be in Kentucky, and that he would locate at Covington. It was understood that he would direct his ability and political acumen toward holding together the organization which his brother had formed, and would seek to carry out his brother's plans and ideas and hold together the organization formed by Wm. Goebel. It

was said of Justus Goebel that he was an even better politician than his brother, at the same time having many of the characteristics of his brother. He was a lawyer by profession.

* * *

Mrs. C. C. McChord, wife of the railroad commissioner, who was one of Mr. Goebel's closest friends, performed an act of devotion to the cause of the deceased leader. Excited by the rumors that the republicans would attempt to seize the papers and democratic members of the legislature, she gathered up the record of the house and senate and the inauguration of Gov. Goebel and Gov. Beckham and concealed them in the bosom of her dress for safe keeping. They were so voluminous and the paper so stiff that during the two days that she had them she was compelled to wear a large flowing tie that hid the entire front of the waist of her dress. The stiff paper made deep indentations in her skin, but she had preserved the papers from possible seizure until they could be sent to a place of absolute safety.

* * *

Senator-elect Blackburn was asked if he would ask Gov. Beckham for a certificate of election. He said it made no difference, as a certificate is merely proof of an election, and if any other sort of proof could be produced, such as the legislative records, it would serve just as well. "Senator Faulkner of West Virginia did not have a certificate when he was elected, but the United States senate seated him at once," he said.

* * *

Detectives were working on the shooting of Gov. Goebel. What they learned was not more than what was known to the public or expressed by persons in public. Some attention was given the story that two men were seen running out of the back yard of the state house. They were not mountaineers. The witnesses to their hurried departure said that one of them dropped a pistol while climbing over the low wall and stooped twice to pick it up, the other man waiting for him. They then ran and jumped into a buggy and drove off. One of the persons who saw these men says also that he saw a bit of smoke curling up between the capitol and executive building toward the front.

Thomas C. Campbell, formerly a noted criminal lawyer of Cincinnati, who was prominent there for ten years prior to 1885, was summoned from New York by Justus and Arthur Goebel to handle for them the prosecution of the search for the murderer of Gov. Goebel.

* * *

The casket for Gov. Goebel's body was covered with black cloth, with fringe and tassels, heavy solid silver handles, and bore a silver plate bearing the words, "William Goebel." He was attired in a black Prince Albert coat, which, it was said, was the first time he had one on his back. His customary attire was a soft black felt hat and cutaway business suit, on all occasions. Hundreds and hundreds of floral designs came pouring in from various parts of the state, and from places beyond the borders of the state. All over the state meetings were held at which resolutions deploring his death and denouncing the conduct of the republican governor were adopted. Several legislatures in several democratic states adopted resolutions of this character. Preparations were made to organize a Goebel monument fund, with the intention of putting up in Frankfort a great shaft to keep alive the memory of the dead statesman.

The funeral, it was decided, should be held in Frankfort, but the brothers of Gov. Goebel wanted the burial to take place in Covington. The appeals of Frankfort citizens, however, prevailed, the relatives deciding to take the body to Covington for a day and then bring it back for burial.

✦ ✦ ✦

Alonzo Walker, the stenographer who had been imprisoned by the military, celebrated his release by filing a suit for \$25,000 damages, naming as defendants W. S. Taylor, Dan S. Collier, Roger D. Williams, C. C. Mengel, D. W. Gray, Horace Cochran, J. C. Rogers and Elmer Reedy. He charged that the officers had no legal right to imprison him.



CHAPTER XXXII.

THE PEACE AGREEMENT.—A Strain Relaxed.—A New Election Law for Another Chance at Taylor's Seat. The Provisions.—A Problem.—"Revolution Better Than Submission."—Discussion by the Public.—"Stand Firm."—"I Don't Sign."—Legislature Recalled.—The Responsibility.

Within forty-eight hours after the death of Gov. Goebel, prominent democrats and republicans gathered together and discussed plans to do away with the clash of authority that existed, and to relieve the tense situation that seemed to threaten destruction to the commonwealth. The plan was agreed to between them, subject to the approval of Gov. Taylor, to recall the legislature to Frankfort, permit the legislature to consider anew the reports of the contest committees and adopt a new election law. The meeting between D. W. Fairleigh and Senator-elect Blackburn at Frankfort Sunday night was but preliminary to a meeting held at Louisville on the following Monday. Gov. Beckham, with Mr. Blackburn and others, went to Louisville, where they met a party of republicans at the Galt house.

"I will leave the settlement of this controversy to any three fair-minded men on earth. Let three men in whom the people have confidence be selected by the United States supreme court and I will cheerfully abide by their decision in the matter. I was elected governor of the state of Kentucky, not by a majority of 2,400, but by a majority of 40,000, and on that decision of the people I propose to stand." This was Gov. Taylor's declaration when the peace conference was meeting, but it was not given serious thought, because the plan was impracticable.

Gov. Taylor's position in regard to the conference was that, if a satisfactory agreement could be drawn up he would bind himself by it. That he was doubtful of the result to come from it was indicated by a comment by him that some well meaning republicans were at work to mend matters pretty much on their own responsibility, and that he was not bound by any agreement unless he could see and approve it.

After a busy conference the following agreement was drawn up and signed by all of those who were present:

"February 6, 1900.—For the purpose of ending by proper mu-

tual concessions the unfortunate condition of political affairs now existant in Kentucky, a conference was this day held at Louisville in which the subscribers participated. After many hours of patient and frank discussion it was unanimously determined to recommend a solution of the difficulties upon the following basis:

"First—That should a resolution be passed by the general assembly during its present session in joint session of the two houses declaring that the action heretofore taken by the general assembly did invest William Goebel with the title to the office of governor of this commonwealth on the 2d day of February, 1900, and did invest J. C. W. Beckham with the title to the office of lieutenant governor of this commonwealth, as of said date, the contestees, William S. Taylor and John Marshall, shall not dispute the said titles, respectively.

"Second—That should the general assembly pass the resolution stated in the foregoing paragraph, immunity shall be extended to all persons from accusation growing out of political acts done pending the contest for the offices of governor and lieutenant governor.

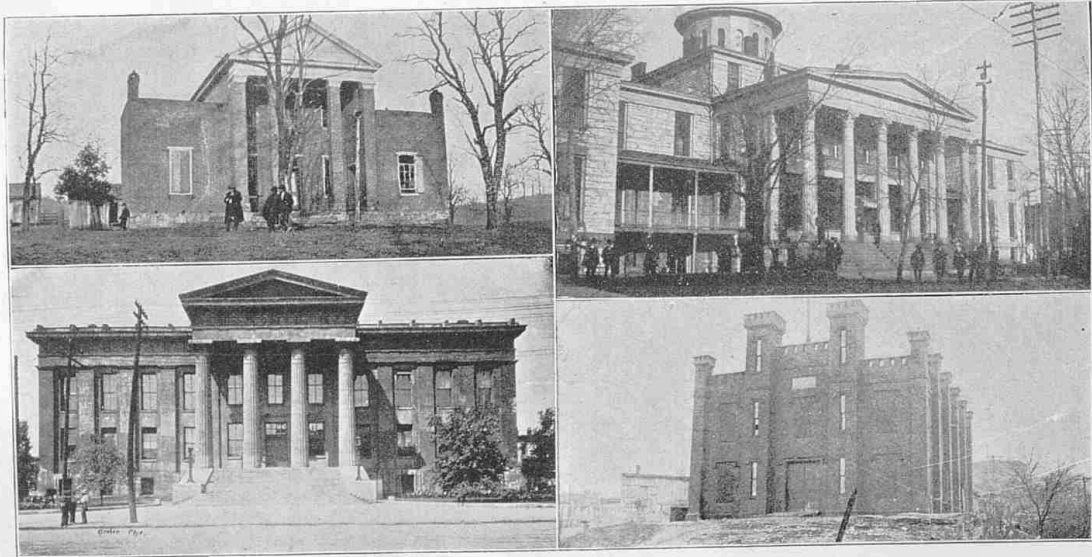
"Third—That all legislative actions by the present general assembly shall be postponed until Monday, February 12, 1900, except only such steps as may be necessary under the constitution to make lawful adjournments.

"Fourth—That the board of state election commissioners, sitting as a board of contest, shall postpone all of its proceedings until Tuesday, February 13, 1900, or until such later date as it may determine; provided it may in the meantime meet and adjourn if it shall determine that such meetings are necessary or expedient.

"Fifth—That it is earnestly recommended to both parties that in the consideration and determination of all pending and undetermined contests for the offices of representatives and senators all partisan consideration shall be eliminated as far as may be. But this provision shall not be regarded as anything more than a recommendation.

"Sixth—That the present general assembly shall provide an absolutely fair and non-partisan election law, which shall secure to the voter the fullest measure of protection to the end that he shall have the fullest liberty to cast his vote without let or hindrance and have it counted as cast, and shall secure to the officers of election the fullest protection in the discharge of their duties.

"Seventh—That as soon as possible from this date the state militia now on duty at the seat of government shall be withdrawn and sent to their homes, due regard being had for the preservation of the public peace.



BUILDINGS OF PECULIAR INTEREST.

Laurel County Seminary, at London.
The Courthouse, Louisville.

The Capital Hotel, Frankfort.
The State Arsenal, Frankfort.

"For the republican party:

"J. W. BARR,
 "AUGUSTUS E. WILLSON,
 "T. H. BAKER,
 "D. W. LINDSEY,
 "DAVID W. FAIRLEIGH,
 "CHARLES T. BALLARD.

"For the democratic party:

"JO C. S. BLACKBURN,
 "JAMES B. M'CREARY,
 "ROBT. J. BRECKINRIDGE,
 "UREY WOODSON,
 "S. J. SHACKELFORD,
 "PHIL B. THOMPSON, JR.,
 "E. T. LILLARD, SR.,
 "J. B. THOMPSON.

"We affirm the above:

"JOHN MARSHALL,
 "J. C. W. BECKHAM,

"By J. C. S. BLACKBURN."

This agreement was not made public at once, but a general idea of its contents leaked out, and immediately became the subject of the most animated discussion. The effect of the agreement, if carried out, upon the situation was best illustrated by the fact that it was discussed almost exclusively by the republicans of the state of Kentucky, while the democrats as a whole maintained a deep silence, and the more prominent leaders expressed themselves merely with the belief that it would be approved and signed by Gov. Taylor.

Those representing the democrats in the peace conference included the most active members, Mr. Beckham being the claimant to the governorship, Mr. Blackburn being the senator-elect and chairman of the campaign committee, Mr. McCreary being a member of the campaign committee, Mr. Woodson being the national committeeman, Mr. Thompson being high in the councils, Robert J. Breckinridge being one of the contestants for a state office, and Mr. Shackelford and Mr. Lillard being close to all those concerned. On the other side, Mr. Marshall was one of the interested parties in the contest cases. The others were more remotely interested, but represented a very conservative element. All were Louisville men with the exception of Gen. Lindsey, who was a Frankfort man. Dr. Baker, postmaster at Louisville, was the only office holder on the republican side; Mr. Ballard was president of the board of aldermen, Messrs. Fair-

leigh and Willson were members of the bar, and Judge Barr was formerly United States district judge.

In the shape that the agreement reached outsiders it involved the repeal of the Goebel election law, and by the democrats was evidently taken as the consideration that would secure Gov. Taylor's acceptance of the terms. While the agreement said nothing about repeal, or did not use the word, the democratic members of the conference permitted themselves to be committed to this view of it while the agreement was under consideration by Gov. Taylor, and there was no end of comment that the election law was to be repudiated so promptly after Gov. Goebel's death. No voices were raised among the democrats at large against such a sacrifice, if such it was. The republicans looked at it cautiously.

The deepest scrutiny was given the agreement, or so much of it as for some time became known. The agreement did not involve the cases of the minor state officers in any way, relating to the governor and lieutenant governor only. The provision for a re-assembling of the legislature and a legal test of its sentiment upon the reports of the contest committees looked like a surrender by Gov. Taylor if he accepted it. There was the chance, very remote, that some of the legislators who had met in the Capital hotel sessions would refrain from again approving the reports, and deprive Gov. Beckham of his claim to the office.

It was not for a moment assumed by Gov. Taylor that he would win. What was assumed was that the legislators who took part in the Capital hotel meeting would ratify their action, having already been committed, and Gov. Taylor would have to step out. Then Gov. Beckham would be governor, in succession to Gov. Goebel, but only for a short time, the law requiring an election to fill out an unexpired term, to be held at the next regular election for state officers.

Gov. Taylor, after a conference with his attorneys, friends and the minor state officers, decided that he would not sign the agreement in its existing form. The minor officers, who had not been consulted about it, were strongly against it. Telegrams from over the state poured in upon Gov. Taylor, all relating to the agreement, news of which had spread. Their opinion seemed to be generally expressed in the words of Col. Andrew Cowan of Louisville, who said: "As I understand the terms of the proposed settlement, it provides that the legislature will act next Monday on the reports of contest committees, after hearing argument, each branch voting separately; that Gov. Taylor and Lieut. Gov. Marshall will abide by the decision of the legislature so rendered, and that the legislature will repeal the iniquitous, partisan election law. It may be necessary for our governor and

lieutenant governor to yield their offices to avoid civil war, and it may be best, but I doubt whether their sacrifice will be rewarded. As matters stand now, the legislature assumes to elect the governor and lieutenant governor, in defiance of the will of the majority of the people of the state. With the present election law those opposed to Goebelism are made political serfs, without any rights the legislature is bound to respect. It is a deplorable condition for us and a disgrace to Kentucky. Revolution would be better than submission to such a condition. There will never be peace until the Goebel law is repealed. Gov. Taylor is fighting for our political liberty. If he is defeated or deceived the struggle for liberty will continue."

It was doubted that the election law would be satisfactorily modified or repealed.

The terms of the compromise were declared by most republicans to be humiliating, preposterous and, on the part of the democratic conferees, impudent. Better terms were demanded even by those who were willing to make sacrifices for the sake of peace. Those who signed the agreement were naturally of the opinion that Gov. Taylor would do well to ratify it. That Gov. Beckham should be ushered into office, as the agreement seemed to provide, seemed to most of the republicans and anti-Goebel people preposterous, when Gov. Taylor's contention was that he had been elected by a plurality of 2,383, certified to even by the Goebel election board. Personally Gov. Taylor could surrender to a hard demand, but to be considered were those who cast their ballots for him, they argued.

Gov. Taylor was sounded upon the provision that extended immunity from accusation for political acts done during the contest proceedings.

"Don't let any consideration for my personal welfare guide your advice to me," said Gov. Taylor.

The opportunity that seemed present of securing the repeal of the Goebel election law and the credit for that consummation seemed to bring Gov. Taylor several times to the point of signing the agreement. He was besieged with conflicting advice. Some told him to sign and others told him not to sign. The republican members of the legislature, as soon as they had obtained a clear idea of what was going on, sent him this message:

"Resolved, That neither Gov. Taylor nor Lieut. Gov. Marshall, nor their attorneys, nor any citizens nor any body of citizens can annul or disregard these results, fixed by the verdict of the people, by compromise or arbitration, unwarranted by our laws and constitution, and to this final result we pledge to the officers so elected our confidence and support, and appeal in their behalf

to the manhood and patriotism of all the people of the commonwealth."

Of his attorneys, Judge W. H. Yost and W. C. P. Breckinridge seemed inclined to believe that it would be unwise for him to accept the agreement. He delayed from day to day coming to a decision, until the whole country was drawn into the absorbing question of "To sign, or not to sign?" and suggestions were not long in coming from even outside the state. They came in thus: "Any man who would advise you to lay down the people's trust is not your friend"; "Concede nothing; Powell county republicans indorse your course"; "Don't yield an inch to clamor or timid advisors—stand on law and act on cool judgment"; "In God's name do not sign or compromise with sin; be governor or resign"; "Stand firm"; "The republicans of Kentucky demand their rights and the elected governor must serve," etc.

County meetings began to be held to adopt resolutions on the compromise plan. The meetings almost invariably urged that no compromise be made upon the terms proposed.

Being unable to bring himself to the point of signing away his uncompromising claim to the position of chief executive, there was a move made by Gov. Taylor to secure another joint conference, but this did not follow, the democrats having decided to leave their proposition as it was.

Mr. Willson, of the republican conferees, said that the exultation displayed by part of the democratic press over the agreement and its prediction that Gov. Taylor would sign, had aroused the republicans to the extent of distrust and antipathy to the plan. Mr. Willson for his part said that the agreement meant no surrender, but merely terms upon which the legislature would be allowed to meet at the capitol. A fuller description of the new election law to be adopted and a better guarantee than one by non-members of the legislature, and the absence of a joint session to pass upon the contest reports, was Judge Yost's idea of a new proposition.

While the democratic conferees were becoming more uneasy and impatient, Gov. Taylor continued his conferences, having gathered about him every day a lot of advisers. On February 9 there was an all day meeting at the state house that was a very animated one, several sharp tilts taking place between advisors of opposite opinion. Afterward Gov. Taylor said he was not yet ready to decide, but said: "I appreciate the unanimity with which the people are urging me to remain in the seat to which they elected me. But when they say 'stand pat,' they do not know the conditions which confront me. If I hold this office in defi-

ance of the legislature and the state courts, people are apt to think I am more concerned about the office itself than the great principles involved. Bitter pill as it is to swallow, is it not better to yield to usurpers if by so doing I can gain an honest election law for the state?" Gov. Taylor was evidently still in sore perplexity. Finally, on February 10, there was a quiet gathering of republicans at Frankfort, called by Gov. Taylor to discuss once for all the momentous question. Besides republicans, a large number of democrats attended who were opposed to the Goebel election law and other things that figured in the campaign. Nearly every county in the state was represented. A formal meeting was organized, with George Denny as chairman. Mr. Denny made a strong speech, concluding with the view that to sign the treaty would be to recognize as legal the false claims of a crowd of pretenders and revolutionists. Gov. Taylor outlined the conditions that confronted him. Speeches were made by Col. S. G. Sharpe, Young E. Allison, Judge James Butler and Gen. Sam E. Hill. A resolution was adopted urging Gov. Taylor to reject the agreement. This was signed by the 200 persons present. The resolution was then taken under consideration by Gov. Taylor, and in a few moments he left the room, crying to those in waiting outside: "I don't sign. I don't sign."

This news was received with disgust by the democrats waiting over at the Capital hotel. "We offered him a fair election law," one of them said, "and he quit. He must have something better in sight."

The next thing from Mr. Taylor was another surprise. He issued an order reading just like one he would have issued if he had signed the agreement. It was this:

"The excitement recently prevailing in this city having to some extent subsided, and there appearing now to be no necessity for the general assembly to remain in session at London, I do hereby, by this proclamation, reconvene same in Frankfort, Ky., Monday, February 12, at 12 o'clock noon.

"W. S. TAYLOR, Governor of Kentucky."

Then he sent home all of the soldiers but about 200.

To say that this action puzzled the other side, puts it mildly. Gov. Taylor gave out this:

"Frankfort, Ky., Feb. 10.—I have only this to say: After mature deliberation and conference with my friends from every section of the state, I have concluded to allow this controversy to

take its due course, vigorously contesting every inch of ground and upholding the rights of the people to the uttermost. If those rights be destroyed, the responsibility for that destruction must rest with those who sit in judgment.

"It is due to say that the eminent gentlemen, my friends who secured the propositions resulting from the Louisville conference, acted in perfect good faith, from the highest motives of patriotism and did the very best they could.

(Signed) "WM. S. TAYLOR, Governor of Kentucky."



CHAPTER XXXIII.

GOV. GOEBEL'S FUNERAL.—Body Lies in State at Covington.—Back at Frankfort.—Crowds of Mourners. Up the Hill to the Cemetery.—Blackburn at the Grave.—“The Tyrannous and Bloody Act Is Done.”—A Fallen Oak.—Justus Goebel's Bitter Thoughts.

Shortly after the death of the democratic leader had become known it was decided that before his body should be consigned to its last resting place in the Frankfort cemetery it should lie in state for a time at his home city of Covington. This was one of the most impressive incidents of the closing scenes of the tragedy. Early on the morning of February 6 the funeral train bearing the remains and a large party of the dead leader's friends left Frankfort. Upon arrival at Covington there was a throng of fully 5,000 persons at the depot in waiting. Many of those who crowded close around the casket were moved to tears.

Amid a wonderful profusion of floral offerings the body was placed in Odd Fellows' hall and the crowds permitted to pass by and look upon the face of the dead. There was a continuous pressing crowd in and around the hall throughout the whole day and night. Many had come from a great distance. The crowds were greatly augmented by numbers from Cincinnati and other Ohio towns within a short distance. A current report says that the street car lines were overtaxed from conveying the people across the river. The public schools of Kenton county, and in the adjoining county of Campbell, were closed for the day. Many processions of children passed through the hall, strewing flowers around the catafalque. During the day there were two brief prayers offered. One was in German by the pastor of the church of which Gov. Goebel's parents had been members. The other was in English. It had been the intention to close the hall at 10 o'clock in the evening, but at that hour the crowds extended for several squares from the hall, so it was decided to leave it open all night.

In the meantime preparations were being made to receive the body back in Frankfort, where the plan was that it should lie in state until the time set for the funeral on February 8. The special funeral train both went to and returned from Covington over the Frankfort & Cincinnati road, which imposed a most circuit-

ous route to get the cars into the heart of Covington, a long detour into Cincinnati being required. The L. & N. railroad would have been the most direct route, but to this way of reaching Covington the immediate friends of the dead leader were opposed. About 1,000 persons met the cortege upon its return, though there was a fine rain descending. The remains were taken to the hotel and placed in the ballroom. When the arrangements for the funeral were set on foot there was heard some talk of possible trouble between the citizens who would throng the city in attendance and the soldiers who were on guard at various points throughout the streets. To avoid this possibility, Adj. Gen. Collier withdrew all the troops from the city to Capitol square before the body arrived from Covington.

Upwards of 6,000 people from far and near thronged into the little city of Frankfort the night before and upon the day set for the funeral. And this gathering was in spite of the miserable weather. However, the day broke bright and clear, though by the time the crowds got well started on their way the rain began to descend. All of the railroads into the city ran numerous specials. The turnpikes were crowded with country people trudging into the city from every direction. Long before the hour set for the funeral the street from the Capital hotel was lined with waiting thousands, who stood patiently in the descending rain.

A current report thus describes the funeral: "A strange sight it was for Frankfort. This historic old town is used to large crowds, but they have always heretofore lined the streets from the Capital hotel or the executive mansion to the state house square. The former crowds were in gala attire to do honor to a new governor. The present crowd wore crepe-bedecked photograph buttons. Where the former crowds Frankfort had seen were all joy, this one was all sorrow and gloom.

"The view from opposite the Capital hotel was one not soon to be forgotten. The sky, which had become overcast with clouds during the morning, was black, and the rain poured down in steady torrents. Down Main street people crowded in the windows of various crepe-bedecked buildings, notably the city hall. The balconies, the windows and the steps of the houses were crowded. The scene looking up Main street, however, was the spectacular feature of the day. The old street winds and twists its tortuous course up the hill upon the summit of which stands the state arsenal—the single vivid blotch of color in a scene which was otherwise a study in gray and black. It is a distance of some 1,500 feet from the Capital hotel to the summit of the hill. The street on both sides was a living wall of people,

crouching under umbrellas from which the water poured in streams."

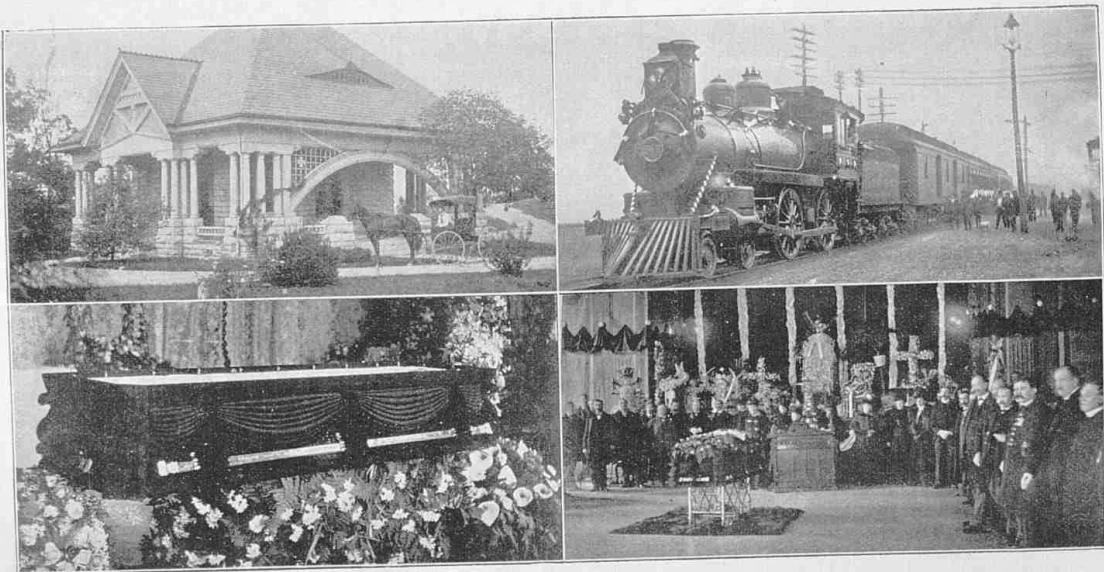
The pall bearers were: J. C. S. Blackburn, Gen. Joseph H. Lewis, Judge W. S. Pryor, the Hon. J. B. McCreary, the Hon. Phil B. Thompson, the Hon. James H. Mulligan, Louis Descognets, Samuel J. Shackelford, Joe D. Rhinock, Joe W. Pugh, Zack Phelps, W. B. Haldeman, Charles B. Poyntz, Morton K. Yonts, Jack Chinn, Charles C. McChord, Ed Fennell, James M. Richardson, Henry George, Eph Lillard, Willard Mitchell, Chas. M. Lewis, John L. Grayot, John K. Hendrick, John Fulton, Urey Woodson, Joe Blackburn, jr., Allie W. Young, R. B. Franklin and Percy Haley.

After a private service in the parlor of the hotel, the funeral procession took up its way to the cemetery. Continuing, the same report says: "There in the beautiful cemetery, overlooking Frankfort and the Kentucky river, which winds, a yellow ribbon, through the city where all or most all his victories were achieved, the body of William Goebel was laid to rest."

On account of the inclemency of the weather it was decided at the last moment that the body should not be interred in the grave that had been prepared, but deposited in the little chapel at one side of the cemetery, where the brief religious exercises were held. The crowd gathered all around and waited to the end with uncovered heads in the downpour. There was a prayer and hymn, after which the Rev. Thomas N. Arnold of Frankfort, a life long friend of the deceased, delivered a short address. There was a prayer in German, offered by Dr. Gilbert Schmidt. Rev. E. G. Mann, of Paris, Ky., and Rev. William Stanley, of Virginia also made short talks. Senator J. C. S. Blackburn delivered an address, and Gov. Beckham concluded the speaking. The exercises closed with the benediction by Rev. Lew G. Wallace, chaplain of the Frankfort penitentiary.

Senator Blackburn, in his address, said: "The tyrannous and bloody act is done—the most arch deed of piteous massacre that ever yet this land was guilty. Goebel is dead, but that which he stood for and that which he died for still lives. Some men in their deaths render greater service to the cause they advocate than it was possible to do in life.

"The shot that struck him down sounded the death knell of political organization of his opponents for all time in Kentucky, and its effect will reach to the limits of this land. That this cruel deed was the natural result of the fierce political contest from which he had just emerged none can deny. The fierceness of the fight that had been waged against him, for malignancy and unfairness has no precedence in the history of our country.



SCENES AT THE GOEBEL FUNERAL.

Chapel in the Cemetery.
The Casket.

The Funeral Train.
At Odd Fellows' Hall, Covington.

"It is but just to him to say that the patient courage, the forbearance and dignity that has marked the conduct of his followers was largely due to the example which he had set for them. Throughout the struggle he had borne abuse and calumny without complaint, battling for his convictions with a courage that never faltered; always attacking, never defending, he carried the banner of his party after a fashion that has grappled his followers and extorted from his opponents reluctant but unstinted admiration.

"Struck down in the flush of his power, just as he had entered upon the threshold of a bright political arena, to a superficial observer his career would appear as an unfinished one. This is not true. A man's life is fairly measured not by his years, but by the results he has obtained. Measured by this crucial test, the end, though sudden, did not come soon enough to mar or spoil his splendid record. He had made his impress upon his fellows.

"His life, supplemented by his death had won the victory that measured his ambition; whilst the precepts that he taught and the example that he gave inspired his people with that patient fortitude, that reverence for law and unflinching determination to assert their rights within its limitations that has won for him and for them the moral support of the whole country the commendation and approval of all right thinking men.

"The universal manifestations of sorrow among our people gives painful evidence that your leader has fallen. Be not discouraged. The world's history proves that a leader fit to succeed him will not be lacking. Exalted as were his properties of leadership the demands of the situation will furnish another. In all the world's history no case is found in which a great emergency had failed of a fit leader.

"Mirabeau tells us that the mother of the Gracchi cast the ashes of her murdered sons into the air and from them came Caius Marius who scourged oppressors of his people until the river Tiber was colored with their blood.

"From the ashes of William Goebel let their spring a champion of the people's cause. The brunt of the battle that he waged needed only a continuance of his efforts to crown it with success, and that result was reached more speedily in his taking off.

"Revolting as were the methods employed to compass his destruction, there were features connected with the end that tend to comfort and reconcile us to it. He had been given the high commission to reclaim his state and to redeem his people. And this work he had nobly done. The full measure of his ambition had been attained. Dying, he attested by his smile the satisfaction of his soul when the oath of office was administered, and

breathed his last listening to the prayers that his people, grateful for their deliverance from the domination of anarchists and assassins, sent with his unfettered spirit into the presence of his God.

"An oak has fallen in the forest, a strong man has been taken from among us. Emulate his example. Dedicate every effort, and, if need be, life itself, in the cause of right and justice. Be patient, be brave. Obey the law. Under it demand your rights and never abandon the struggle until justice shall prevail. I beg that you will not mar the splendid record you have already made by any act of lawlessness or violence. Show to the world that in this great commonwealth of ours the law is superior to the mob, and that in the end all wrongs will be redressed.

"It would be but poor satisfaction to see the miserable tools and instruments made use of in his murder give up their lives to an infuriated populace. Be patient, and neither the perpetrators, nor yet the more guilty planners of this foul crime will escape the penalty that the law provides. You need not fear for a failure of discovery. No crime like this can be concealed. This earth is not large enough to hold its perpetrators or its instigators in seclusion. 'Murder will out!'

"Stones have been known to move, trees to speak, augurs and understood relations to bring forth the secretest men of blood. Let the law be our shield. Under its protecting aegis our rights and our liberties find shelter. When its force shall have been expended, then, and not until then, will it be satisfied. 'Tis not my purpose to utter over this grave a fulsome eulogy.

"The rule teaches us to say nothing of the dead but good. A better rule would tell us to utter nothing of the dead save that which is true. He whom we bury here today could well afford to have applied this latter rule. Faults I doubt not that he had. If not, he would not have been a man. But his life and character made up a man in whom his people and his country found just cause and pride. I knew him well, and the closer and more intimate that acquaintance became the more I admired and trusted and loved him.

"Possessed of splendid natural endowments, developed by patient study and unremitting labor, persistent in the prosecution of his every purpose, loyal to every duty and demand of friendship, with iron nerve and unwavering honesty, we offer him as an example to those who are to follow us.

"The calcium light turned on him for years of public service disclosed no flaws, but only brought out clearer his incorruptible integrity. No opponent or enemy, however bitter, ever dared to impeach his honesty. Clean-handed, chivalrous, able and brave,

he naturally became, in early manhood, a leader of men. The story of his life, if traced by an impartial pen, will present a combination of sturdy properties not often found.

"His efforts tended to elevate and to improve the condition of his fellows. The world was better for his living, and the masses of the people never had and never lost a truer, better friend. There is nothing now that we can do for him. No paeons that we can sing can make his sleep more peaceful or profound.

"No eulogium that we can utter can penetrate the leadened ear of death. No monument that we can build can reach into that far-off realm to which his heroic soul has gone, but we can cherish his memory, emulate his virtues and follow his example.

"Build here over his grave a mighty towering granite shaft, that shall defy the corroding touch of time. Inscribe upon it an epitaph that shall be worthy of the man. He earned this at our hands. In life he was consecrated to the people's cause.

"He lived an honest life and gave his life for our deliverance. Of him no eulogy, but truth may say, 'Earth never pillowed a truer son, nor heaven opened wide her portals to receive a manlier spirit.'"

It had been the intention of Justus Goebel to make a brief address at the graveside, but this he decided not to do, on account of the change in program necessitated by the bad weather. The only case where this ever before occurred among people of prominent station was when the late Col. Robert G. Ingersoll spoke at the grave of his brother Eben. The remarks that Mr. Goebel had intended to make were given out for publication. They were:

"My friends, in closing these sad rites, and before the mortal remains of the kindest, gentlest, most loving of sons and brothers be consigned to their final resting place, I want to say a last word.

"Your friend, my brother, lies dead before you, murdered for his devotion to the cause of the people.

"Should not Kentucky now and here swear by his blood that her sons will see justice done to those concerned in his foul taking off? If you fail in this, then your laws are dead letters.

"If he could speak he would say now, as often before, 'Let the law take its course.'

"Will designing men of high station be permitted to use the ignorant outlaw to further their ambitions, and when that ambition is disappointed turn red-handed murderers loose under the very roof of the executive mansion?

"Shall the guilty in high places be uncovered?

"Shall the honor of your state be restored? Or shall his life

blood spilt on your capitol square be dried up by the sun, washed away by the rains, and his life sacrifice forgotten?

"Measured by the highest standard of man, the grandest tribute possible to be paid him to whom you have been so loyal is to fight for the principles for which he laid down his life as he fought for them.

"To you, sons of Kentucky, I submit these questions.

"Brother, farewell until we meet in that better world where outlaws cannot be hired, where crime is unknown, where rest comes.

"Mother, brother, you have gone before; we shall join you."

The body of Mr. Goebel was kept in the little chapel under a guard of his friends until March 13, the day that the legislature adjourned. On the afternoon of that day the interment took place. A new spot had been selected for the grave. It was right upon the shoulder of the great bluff which rises sheer from the Kentucky river to the little plateau upon which the cemetery lies. From this point there is a commanding view of the country for many miles around. Here the monument which his friends intend erecting above his grave will stand forth, a conspicuous mark upon the landscape.



CHAPTER XXXIV.

TO THE FEDERAL COURT.—Election Board Attacked on Ground of Jeopardy to Liberty.—Legislators Return to Frankfort.—Clash in the Senate.—L. H. Carter Steps Into Beckham's Shoes.—Senate Split.—Unseating of Gov. Taylor Ratified.—Judge Taft's Decision.—No Jurisdiction.—Appeal to the Supreme Court of the United States.—Threats of Assassination.

While Gov. Taylor was considering the agreement, there had been other things going on. Gov. Goebel's funeral had taken place. The democratic legislators had gathered at Louisville, declaring themselves to be in fear of returning to Frankfort lest they be arrested. Several, however, attended the obsequies. It was given out by the republicans that there would be no attempt made to molest them, but those who were in command of the democratic legislators declared that they would not return to the capital until Gov. Taylor ordered away the soldiers. At London the republican minority was faithfully meeting. It had elected a full list of officers and clerks, but neither house had a quorum. Only one or two of the anti-Goebel democratic senators attended, the others refusing to meet with either body. They adjourned over one day on account of Gov. Goebel's funeral and adopted a resolution of respect. After that they decided to issue warrants for absent legislators. The two sergeants-at-arms even started out to serve the warrants, it is said, but Gov. Taylor's proclamation came reconvening the legislature at Frankfort and no more was heard of the warrants.

Gov. Beckham also made his headquarters at Louisville. He tried his hand at pardoning and his pardon for a Louisville negro convict was honored by Warden Lillard, of the Frankfort penitentiary. The pardon did not bear the seal of the secretary of state and when it was questioned in a Louisville court, the negro had already been released, and no action was taken by the court to reject or approve the pardon.

A "flying squadron" from the senate and one from the house had effected the adjournment of the democratic legislature to Louisville. According to the rules, as few as five members might meet and adjourn either house from day to day. The house "flying squadron" and the senate "flying squadron" had formally as-

sembled every day since the shooting of Senator Goebel and kept up the chain of adjournments when there was no quorum. These formed a nucleus daily for a meeting and made their headquarters in Louisville pending the action of Gov. Taylor on the peace agreement. A quorum in both houses was secured in Louisville and the courtesy of the county officials having placed at their disposal the court-house, they held meetings there. A resolution was adopted calling upon Gov. Taylor to vacate the state buildings, withdraw the soldiers from Frankfort and retire in favor of the "rightful governor." A resolution was also adopted appointing a committee to go to Frankfort to see if it was safe for the members of the general assembly to return. While in Louisville the members also worked upon a bill appropriating \$100,000 as a reward and for the apprehension and punishment of the murderer of Gov. Goebel.

The state election board, on the Monday after Mr. Goebel's death, appeared at the state-house gates and demanded admission. It was given after some delay. Mr. Poyntz was elected chairman and adjournment taken from day to day without any business being transacted, until after the funeral.

On the day of the Goebel funeral ex-Gov. Bradley and other attorneys for the republican contestees for the minor offices appeared in the federal court at Cincinnati and tendered two petitions directed at the state election board and at the contestants. The news of this resort to the United States court caused consternation in the ranks of the adherents of Gov. Beckham who, for several hours, believed that the truce was being broken with a suit against the claimant for the office of governor. There was no violation of the truce, however, as the minor offices were not affected by the negotiations over the peace agreement. Notice was given the defendants that there would be argument on the petitions on the following Monday.

The federal petition did not directly or indirectly affect Gov. Taylor or Mr. Marshall. The petitions could have been filed in the federal court at Louisville, but Judge Walter Evans begged as a matter of delicacy to be excused from handling the matter. There was argument on February 12, before Judge W. H. Taft, for the republicans appearing ex-Gov. W. O. Bradley, A. E. Willson, W. H. Sweeney, W. H. Yost and W. H. Mackoy. The defendants were represented by James Andrew Scott, John K. Hendrick, W. S. Hager and others. One of the petitions was by citizens of Kentucky and the other by the contestees. The republicans reviewed the law and stated that it deprived citizens of their rights, which, stating it generally, was the complaint made in the petitions. It was argued that the federal court had

jurisdiction to give a remedy for the injustice complained of as being contemplated by the election board, and the action by the plaintiffs was based upon the provisions of the fourteenth amendment to the constitution of the United States, and that a state, by its agents, might not deprive citizens of their life, liberty, or property without due process of law. The argument was made to show that in the word liberty was included the right to vote, to have the vote counted and the officers elected permitted to exercise the functions of their office, and that the electors were entitled to protection by the federal courts against any state agent which undertakes to nullify those rights.

The defense argued that the court had no jurisdiction because the petitions did not present a state of equity and did not fall under the fourteenth amendment. Contest proceedings were pending. If the federal court had jurisdiction only over civil and property rights, the cases were not in its jurisdiction.

There was great interest in the question whether the federal court would take jurisdiction.

* * *

The legislators, after Gov. Taylor's proclamation recalling them to Frankfort, were strongly divided upon the best policy for them to pursue. They had remained away from the capital for the funeral week, claiming to be in great fear of arrest by Gov. Taylor's soldiers, although none of them had been arrested during the three or four days after the soldiers arrived. They also felt very insecure with regard to the republican legislature's sergeants-at-arms, who were expected to arrive any moment to arrest stray members in order to make a quorum at London. They were afraid of being put in the attitude of recognizing the title of Gov. Taylor if they returned on his call. The apparent distress of the legislators at Louisville provoked Circuit Judge Henry S. Barker at Louisville, to issue a strong charge to the grand jury in which he said that any effort by one faction of the legislature to arrest any member of the other faction would be treason, and that if it was attempted in Louisville that there was a fine field for indictment.

While the democratic senate started out with 20 members, it worried along for a week or ten days with only nineteen or less members. Senator Crenshaw offered a resolution, which was adopted, that Gov. Taylor permit the court of appeals to meet in the capitol, saying "it had been denied access at the point of the bayonet." The court of appeals had not reassembled after the assassination, refraining from meeting during the excitement. It held no official communication with either of the rival governments. There was talk of it remaining in Louisville and

conducting court there, but this was not done, the members re-assembling at Frankfort when the democratic legislators went to the capital.

† † †

In the meantime the republicans had returned to Frankfort in compliance with Gov. Taylor's order, and with their minority in each board, were going through the form of holding sessions, although they did not attempt any legislation. Reluctance on the part of the democrats to return proved to be partly on account of a serious question that arose. Senator L. H. Carter, who had been elected presiding officer of the senate in the same session at which the contest report seating Gov. Goebel was adopted for the second time, claimed that this made him sole presiding officer of the senate and that Mr. Marshall could no longer serve, having been declared unseated. Senator Utley had been designated by Gov. Goebel first to succeed him as president pro tem., and then Utley had retired and Senator Carter had been chosen formally by those senators who participated in the Capital hotel meetings. Mr. Marshall heard of this and said that he still remained lieutenant governor and would not recognize Senator Carter's claims.

The democrats mustered a quorum in both houses February 17, adopted a concurrent resolution adjourning to Frankfort, and arranged to return there on Monday. They claimed that a concurrent resolution would be the only thing that could get them back there. They asserted that they had come to Louisville under such a resolution, but that it had been kept secret until they met in Louisville.

There was talk of a compromise over the expected clash in the senate when both Lieut. Gov. Marshall and Senator Carter should attempt to preside. Mr. Marshall said he would be there and maintain his rights, and Senator Carter said the same thing. A lively time was anticipated when this should take place.

† † †

When Monday came both factions in the legislature met together again in the state-house. Although there had been fear by some that there would be force employed to keep one or the other from assuming to handle the senate, both Senator Carter and Lieut. Gov. Marshall were on hand. They shook hands, held a little confab, found each that the other was firm, and then sprinted for the desk. They began a double-barrelled session, both presiding officers calling the house to order simultaneously and being recognized only by the senators of their party. After prayer had been offered by a minister, Mr. Carter called for mo-

tions, resolutions and petitions, while Mr. Marshall ordered the journal read. The clerk ignored this, having read the journal brought up from Louisville at a meeting of the democratic senators, held before any of the republicans arrived. Senator Allen arose, but was recognized only by Mr. Carter. One of the republican senators moved to adjourn, roll call was dispensed with, Marshall declared the motion carried, and the republicans left, permitting the others to continue their session. Mr. Marshall made a formal demand that the clerk record him as presiding officer.

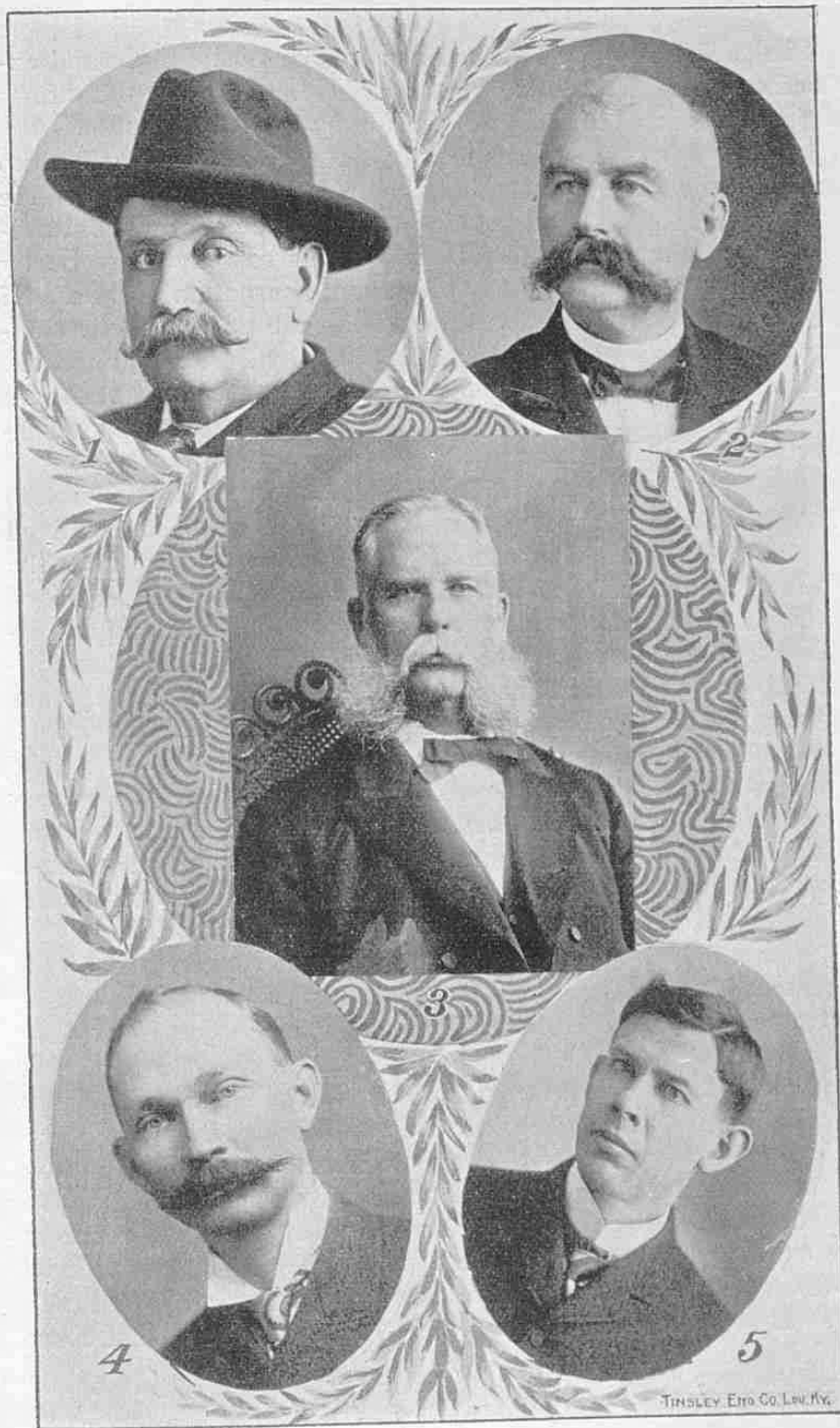
It proved that Senator Allen had a resolution on the action of January 31 and February 2, that it be reaffirmed, ratified, re-enacted and readopted. The resolution stated that this was done to remove any doubt of the validity and regularity of the former action of the contest reports. There were 21 members present when this resolution was offered and put, but there was no roll call and only a viva voce vote was taken, and the resolution declared by the chair to be carried. The resolution was not sent to the house at once. The republicans held that the action of the democratic senate was entirely void, as the senate had been declared adjourned by Mr. Marshall before the resolution was put.

The dual senate continued throughout the remainder of the term of the legislature. The republicans would come to order and then adjourn, leaving their brethren of opposite political faith to pursue such work as they cared, holding that it was entirely illegal. Sometimes the democrats mustered 19 men and at others 20.

For some reason the democratic legislators "soured" upon some of the ministers of Frankfort. When one of them, in regular turn, offered prayer in the senate, the democrats remained seated. In the lower house his presence was altogether ignored and another minister, the penitentiary chaplain, was called by the chair. This caused an indignation meeting of ministers to be held. At Louisville the democrats had adopted a resolution deciding to ignore ministers who had been unfriendly to Senator Goebel. Five ministers served notice upon the legislature that they would no longer attend the sessions to offer prayer. They were M. B. Adams, of the Presbyterian church; William Crowe, jr., Southern Presbyterian; George Darsie, Christian; T. S. Major, Catholic, and R. L. McCready, Episcopal.

✦ ✦ ✦

Judge Taft handed down a decision declaring that the federal court had no jurisdiction, holding that the questions involved should be referred to the state courts or should have been taken direct to the supreme court.



FIVE FRIENDS OF GOV. GOEBEL.

1.—Col. Jack Chinn. 2.—Warden Eph Lillard. 3.—Circuit Judge J. E. Cantrill. 4.—Speaker of the House, South Trimble. 5.—Senator L. H. Carter, president pro tem. of the Senate.

The decision by Judge Taft was received with delight and exultation by the democrats, who thought that it ended the efforts of the republicans to secure a decision by the federal route.

Judge Taft's decision was merely that the federal court had no jurisdiction in the case as brought up by the republicans. He held that a court of equity could not, by force of injunction, prevent the removal of state officers. Their remedy must be by quo warranto, and also at law to prevent usurpation of office. If in such proceedings any federal question can be raised, the complainant may carry it, decided against him by the state courts, by writ of error, to the supreme court of the United States. In concluding his opinion Judge Taft said, making his only reference to the election law:

"I should have been able to decide this question at the close of the argument; but the importance of the interests involved and the outrageous character of the electoral frauds under the forms of law which the bills charge that the state contest board is about to consummate have led me to give the question presented a fuller and more careful investigation. This has only confirmed my first impression and requires me to make an order denying the motion for a preliminary injunction in both cases."

Gov. Taylor said, on the decision: "I have nothing in the world to say except that the decision does not affect the merits of the case, but that it determines merely that the court has no jurisdiction. It is like a man with a good cause suing in a court that has no jurisdiction. His case is, of course, dismissed, but he may bring it before another and the proper tribunal."

The comments by the republicans upon the decision were not resentful. They seemed to feel quite satisfied, and do, it is said, feel that they had obtained the germ of a decision in another process when Judge Taft said that the matter could be finally brought to the supreme court by involving a federal question in the litigation. They called attention to the fact that Gov. Taylor's case was not involved in the decision.

The minor republican state officers promptly took an appeal to the federal supreme court, where the matter was to come up in October. The plaintiffs were permitted to file supersedeas bonds. The petition for appeal merely states that Judge Taft erred in declaring that jurisdiction did not lie in the federal court.

* * *

Gov. Taylor's position was no enviable one. The agitation over the assassination made him the object of hatred by many persons who were not content with mere thoughts against him, but violent partisans sent him threatening letters or disturbed his peace by prowling about his residence or about the executive

building. This was among the messages he received, from unknown senders, of course:

NOTICE.

"The cowardly assassination of Governor-elect Goebel shall be avenged. Yours to see you later."

Another was:

"Richmond, Va., Feb. 9.—Gov. Taylor: Since it has pleased you to be the almost direct cause of William Goebel's death, I hereby notify you that unless the assassin is found (and you can do that) you will not be a living man by the 1st of March, so help me God. Keep out of your front reception room. Morgue. Truly,
ONE OF THEM."

* * *

The Watterson editorial reviewing the life and works of Gov. Goebel contained reference to the L. & N. railroad that was represented by those in control of that interest. In order to combat the impression that the railroad had acted in the campaign with a motive other than to merely defend its own interest from attack, August Belmont, chairman of the board of directors of the railroad, made public correspondence that had passed between himself and Mr. Watterson, relating to the attitude of the railroad in the Kentucky campaign. Brought out prominently was a letter from Mr. Watterson under date of June 30, 1899, in which he was quoted thus, "The democratic state ticket just nominated will certainly be elected. Under the operation of the Goebel law, the result is not left to chance." In this same letter Mr. Belmont is remonstrated with on the assumption that the railroad was working and spending money with the purpose of beating Goebel.

The letter, it appears, was made the subject of resolutions by the board of directors of the railroad, in which they asserted that "it would be unreasonable to expect corporate interests to so disregard the injury inflicted or threatened by constant attacks of political agitators as to be entirely silent as long as the politicians seek office by appeals to the passions and prejudices of the voters, and especially by efforts to excite hostile feelings, to be followed by hostile legislation."

Much discussion followed the publication of the correspondence.

CHAPTER XXXV.

SUITS IN STATE COURTS.—Taylor Beats Beckham Into the Court.—An Agreement.—Cases Consolidated. Could the Legislature's Acts Be Attacked on Ground of Fraud?—"Final and Not Subject to Review."—A Federal Question.—Appeal.—A Warning.—No Surrender Yet.—Republican Arraignment of the Contest Proceedings.

Plainly, the next move of the democrats was to do something after Gov. Taylor had rejected the peace agreement. They had a big conference which resulted in a decision to go to court for the offices. They decided that they would sue before Judge Cantrill, in their favorite resort, the Franklin circuit court, and while the attorneys were preparing the petition and the form of suit, their spokesmen were announcing very plainly that their next move would be to sue and that Gov. Taylor would doubtless find himself face to face with an order of court that he would dare ignore at his peril.

This announcement was received with no surprise by the republicans. Their legal talent kept quiet indeed, and on the same day that came the announcement that Judge Taft had rejected the minor office suits for want of jurisdiction, Gov. Taylor filed suit in the Jefferson circuit court to enjoin Gov. Beckham and Adj. Gen. Castleman from attempting to claim the authority attached to the respective offices claimed by them. The day was one of surprises. First, in the morning came the report of the democratic success before Judge Taft, and while democrats were jubilant over it, the suit by Gov. Taylor bobbed up in the court at Louisville, two hours before a similar suit filed by Gov. Beckham against Gov. Taylor was filed at Georgetown, where Judge Cantrill was holding his court. This action had the effect, so the republican attorneys held, of giving precedence to the cases in Louisville. It was the practice to consolidate such cases by the trial of such cases before the court in which the first case was filed. The democrats, most of them, were not pleased with this turn of affairs. Lieut. Gov. Marshall also filed an injunction suit at Louisville against Gov. Beckham and Senator L. H. Carter to prevent either from assuming to perform the functions of lieutenant governor.

The situation was one to call for an agreement of some kind.

The attorneys came to an agreement to consolidate the suits and secure a trial of the cases at Louisville, and through to the supreme court of the United States. This agreement the republicans believed a very good stroke for them. It was practically the agreement they had proposed to the opposition right after Gov. Goebel had been declared seated and had taken the oath; but which had been rejected by the democratic managers, who desired only to enter into an agreed case to end with the decision of the court of appeals.

Judge Emmet Field, of the common pleas division of the Jefferson circuit court, drew the agreed case. He had voted for Goebel but was quite acceptable to the republicans. Pleadings were filed by the parties.

On March 1 and 2 the agreed gubernatorial cases were argued before Judge Field upon demurrer to the republican claims, the demurrer seeking to strike out practically everything they offered to the attention of the court. Those arguing were Helm Bruce, D. W. Fairleigh and ex-Gov. Bradley for the republicans and Lewis McQuown and Zack Phelps for the democrats. The republicans contended that the court had the power to remedy a wrong act even by the legislature, which they said had disfranchised 150,000 electors—that many votes having been objected to by Goebel before the contest boards, and the contest board having apparently cut out all of them, not having specified any vote in its return. There was nothing to show that Goebel had been elected, they held, and yet the legislature of Kentucky was declared to be above all attack and above the constitution of Kentucky, above the people who gave it being, above the constitution of the United States. They insisted that the court had the right to reach out and say that the legislature had acted without constitutional warranty; that it had attempted to deprive the citizens of their inalienable right, and its decision was absolutely void. They held that no man obtaining confessedly the highest number of votes could be substituted by a minority candidate, and that the most that could have been done legally was to declare the election null. The legislature's act had been of a quasi-judicial character, and as a judgment of the court could be attacked upon the ground of fraud, they contended, the judgment of the legislature could be likewise attacked in this case. The Taylor attorneys argued also that the state constitution prohibited also the exercise of absolute and arbitrary power by any branch of the government.

The attorneys for Beckham held that the decree of the legislature was final and subject to review by no other authority, and

held also that the record of the legislature was unimpeachable. They held that the constitution made this plain.

Judge Field took a week in which to prepare his decision pending which there was much speculation as to what his verdict would be. If he sustained the demurrer of the democrats, there would be nothing to do but to take an immediate appeal. If he overruled the demurrer, proof would have to be taken on the various allegations made by the parties, especially on the republican charges of fraud and conspiracy.

On March 10, the anniversary of the veto of the Goebel election law by then Gov. Bradley, Judge Field returned his decision, declaring that the action of the legislature was final and not subject to review, and that, therefore, the court had no jurisdiction. He said that even if it was true, a great fraud had been committed by the contest board and general assembly by conspiring in advance with the board to unseat the contestees and by ratifying and approving the report made in compliance with the unlawful agreement, the court could question the record. There was no hearing upon the merits of the case, but merely upon demurrer.

To be sure, Gov. Taylor and his friends were greatly chagrined at this decision. In a few days they filed an amended answer, to which Gov. Beckham demurred, and the demurrer was sustained. In their amended answer the republicans brought in the federal question, holding that, if, by a proper construction of the constitution of Kentucky absolute arbitrary power is given either to the board of contest or the general assembly to take from the defendants the offices of honor, trust and emolument, to which they were elected by the people of the state, as alleged under false guise of trial of a contest over offices, the constitution of the state of Kentucky is itself contrary to the constitution of the United States. An appeal was taken from the decision on March 24, after Judge Field rendered a judgment declaring Taylor and Marshall usurpers to the offices they respectively claimed.

* * *

Naturally Judge Field's decision was hailed with delight by the friends of Gov. Beckham, and they pointed out that Gov. Taylor had been adjudged an usurper. As soon as the same decision was made by the court of appeals, it was claimed by some Beckham partisans Gov. Taylor would have to vacate, and if he did not then give up, the state-house would be forcibly seized. This attitude aroused the greatest indignation among Gov. Taylor's friends, who said that the Beckham forces would not at-

tempt to dispossess him unless they violated the agreement to take the dispute to the supreme court for final decision.

Adj. Gen. Collier gave some of the hot-headed ones on the other side to understand that there would be no back-down by him if Gov. Taylor decided to await the decision of the highest court in the land, and that the troops guarding the state-house would resist any attempt at forcible dispossession of Gov. Taylor. The situation again became very alarming, and the war department was implored to step in and disarm the rival factions of the government arms in order to spare the bloodshed that appeared imminent.

However, it was announced that Gov. Beckham would not make a move until the cases had been taken to the supreme court of the United States, to the decision of which Gov. Taylor would bow.

* * *

The gubernatorial suits went to the court of appeals with the following allegations by Taylor and Marshall remaining open, Beckham resting his case upon Judge Field's decision that the record of the legislature could not be questioned:

"First—That the drawing of the members of the board of contest—ten democrats to one republican on the governor's board, and nine democrats to two republicans on the lieutenant governor's board, when there were sixty-three members opposed to Mr. Goebel on one side and seventy-five in favor of him on the other—was fraudulently done.

"Second—That out of the ten democrats on the governor's board seven had openly declared their partiality for Goebel, and of the nine democrats on the lieutenant governor's board three had declared in favor of Mr. Goebel, and one was under a charge of felony, and hence were not competent to try the issues joined.

"Third—That this illegal and partial board referred to gave contestees insufficient time to prepare the case, and left more than a thousand of their witnesses unexamined.

"Fourth—That they were not governed by any rule of law during the pendency of the trial.

"Fifth—That they refused to allow contestees the right to argue the case.

"Sixth—That in order to decide the contest for Goebel they went outside the constitution and laws of Kentucky and assumed jurisdiction not conferred by the statutes.

"Seventh—That their report was not adopted by a quorum of both houses.

"Eighth—That by reason of these unauthorized and illegal methods no due process of law was afforded Taylor and Mar-

shall, but that their property rights and their liberty to hold and enjoy an office are trodden under foot.

"Ninth—That by Rule 11, the plain provisions of the state constitution were sought to be set aside and a new convention established; a convention not known to our constitution."



CHAPTER XXXVI.

NO REPEAL OF GOEBEL ELECTION LAW.—Efforts In Vain.—Blackburn Repudiates the Measure.—The \$100,000 Reward Bill.—Other Legislation.—The Goebel Burial.—Goebel Majority in Kenton County Reduced Three-fourths.—Gov. Taylor Sends Arms and Ammunition to a Friendly Country.

The legislature adjourned sine die at the end of the session. The efforts of the republicans to secure a repeal of the Goebel election law were pushed with vigor in spite of a hopeless majority against the plan. Senator Burnam and Representative Haswell offered bills for the absolute repeal of the law, but with no success. Many democrats said they were against the Goebel law, but were for amendments to it rather than an absolute repeal.

Realizing that there was little or no chance in the legislature to repeal or suitably amend the Goebel election law, the republicans, on February 28, held a meeting of their legislators and leaders and adopted resolutions condemning the Goebel law and arranging for an appeal to congress for relief that had been denied by the courts and legislature. Other states with the same kind of complaint were to be asked to co-operate.

Senator Johnson, democrat, offered a bill to amend the election law, the main feature of which was to remove party devices from the ballots. The effect of this would be to remove the former distinction in the parties on the ballot. The effect of this, claimed those who opposed it, was that voters would be slower in voting and that many persons would be led to vote for two persons for the same office, which would nullify the vote for that office. It amounted practically to an educational qualification. The bill was not passed, but put in line for action at a called session of the legislature.

Just before the legislature adjourned sine die Senator-elect Blackburn expressed himself very plainly in Washington upon the election law. His utterance was in the way of favoring a new election law. He said that the law had cost the democratic party 20,000 votes, and that the democrats' experience with it in the last election had revealed many defects and brought not a single vote to the ticket.

He said he expected Kentucky to go democratic by 50,000 in the fall, but that it would not be surprising if the electoral vote of the state should be required to determine the result of the presidential contest, to see it impeached, because it was held under the Goebel law. He also wanted to see a return to the old viva voce system of election, instead of secret ballot, he believing that fair election by secret ballot was impossible. Concluding, he said: "Whether from the standpoint of a party man, viewing the situation only in the light of party advantage to be gained, or taking the broader and fairer view, I am convinced that the law needs modification and am equally sure that had Gov. Goebel lived and continued in his service as a member of the senate or as the governor of his state, he would have aided in bringing about the necessary changes and modifications in this statute."

* * *

The legislation by the general assembly included a bill appointing a commission for the purpose of apprehending and bringing to justice the murderer or murderers of William Goebel, and appropriating the sum of \$100,000 as a fund to be drawn upon by them in the exercise of their trust. The members were named as Joseph H. Lewis, John K. Hendrick, B. W. Bradburn, John D. Clardy and William H. Moore. They were to give bond each in the sum of \$10,000. The fund is to be drawn upon by orders approved by the commonwealth's attorney of Franklin county. It was provided that none of this money was to be used to pay attorney fees. The sum of \$25,000 was allowed out of the fund to be used in prosecuting preliminary investigations of guilt and out of the balance the commissioners were to fix a sum, if necessary, to be paid for the arrest and conviction of the principal criminal and "conspirator or conspirators," or accessories before the fact or after the fact. The measure alleged that a conspiracy against the government of Kentucky existed, and that by reason of this emergency the bill should take effect immediately upon approval.

Another bill was one appropriating \$100,000 for the reorganization of the state militia under Adj. Gen. Castleman.

The Roberts' local option bill was defeated in the senate. The McChord bill, somewhat modified, passed both houses and was approved by Gov. Beckham.

Senator Goebel's bill for a free public library was passed, all the house republicans voting for it. Mr. Slack said: "For once in my life it gives me pleasure to vote for a Goebel bill." The Chinn school book bill did not pass, but the house democrats took a vote on it to give it indorsement.

The legislation enacted by the legislature was considered by the republicans to be under a cloud, for the reason that nothing passed the senate after January 29, with Mr. Marshall presiding, and all the meetings held at which he presided were five-minute affairs at which nothing was done, the democratic senators proceeding with a session of their own at which Senator Carter presided. Upon a decision of the gubernatorial claims, it appeared, depended the validity of the legislation enacted.

* * *

Early in March Gov. Taylor had the state arsenal practically emptied of the munitions of war and sent them to London for safe keeping. Some were sent to Pineville and arms were sent to other eastern Kentucky counties. It was also rumored that Mr. Taylor would remove to London and set up a capital, but he did not do this. The idea seemed to be to put these arms in a place safe from surprise by partisans of Gov. Beckham, who might attempt a capture.

* * *

According to the statutes, an election was required to fill the unexpired term of Senator Goebel. The authority to call such an election was with the presiding officer of the senate. Both Lieut. Gov. Marshall and Senator Carter claimed this authority. Senator Carter called an election in Kenton county to fill the vacancy "caused by the resignation of Senator Goebel." Mr. Marshall followed suit, calling, however, the election to fill the vacancy "caused by the death of Senator William Goebel." The date named by Senator Carter was March 5, but he afterward changed it to March 14. Lieut. Gov. Marshall made his date for the election concur with this, so as to give the person elected as legal a title as possible under the conflicting calls. He took pains to have the election on the same day as that set by the democratic call, having been apprised by the republicans of Kenton county that they desired a test of their strength and that they felt confident of success.

For the democratic nomination Joseph L. Rhinock, former Mayor of Covington and a close political and personal friend of Governor Goebel, had announced himself shortly after the death, and it was presumed that he would be the nominee. However, this plan was disturbed by Justus Goebel, who insisted upon the nomination of M. L. Harbeson, who was Gov. Goebel's law partner, and said to be fully in touch with Gov. Goebel's plans and principles. After some friction, Mr. Rhinock was made to relinquish his claim for the nomination and Mr. Harbeson was nominated. The republicans and anti-Goebel democrats united

upon L. L. Creasey, an anti-Goebel democrat, who had fought Goebel long.

The election was the quietest in the history of Kenton county. There was scarcely any ill feeling. Just before the election the republicans conceived the idea that the election board would compel the election officers to state under which call they were voting, and sought an injunction of Judge Tarvin to prevent such instructions or action. The injunction was granted. It was then stated that the election board had no intention to act in the manner suspected.

Harbeson won by a majority of 500 over Creasey. Compared with the election for governor, this was a falling off of about 1,500 in the democratic majority. The special election vote was lighter, but everything considered, it was a surprise, as the election of Mr. Harbeson was intended to provide a vote of confidence in the democratic management and a testimonial of regard for Gov. Goebel. The republicans attributed the falling off to two things—to an absence of the offenses committed against them at the November election and a free expression of the sentiment against the acts of the democratic managers. The democrats attributed the "slump" to apathy among Kenton county democrats.



DANGEROUS WEAPON.



Henry Watterson—Look out there, kid; that's loaded!
You'd better drop it.
Minneapolis Journal, March 2, 1900.



FELLOWS! HE'S "FETCHED" HIM.
Minneapolis Tribune, March 24, 1900.

CHAPTER XXXVII.

REPUBLICAN STATE OFFICERS UNSEATED.—Poyntz, Fulton and Yonts Reverse Pryor and Ellis' Figures.—Ignored by Republicans.—A Dual Government.—Federal Indictments.—John Henry Wilson Elected in Knox County.—Whole Counties Disregarded.

After spending a week or ten days reading the depositions, the state election board on February 26 returned a decision unseating the republican state officers and seating the contestants, who, with the pluralities awarded them by the board, were: Attorney general, R. J. Breckinridge, over Clifton J. Pratt, 3,038; auditor, Gus G. Coulter, over John S. Sweeney, 2,409; treasurer, S. W. Hager, over Walter R. Day, 2,540; secretary of state, C. B. Hill, over Caleb Powers, 2,849; superintendent of public instruction, H. V. McChesney, over John Burke, 1,790; commissioner of agriculture, I. B. Nall, over John W. Throckmorton, 2,615.

The democrats were immediately sworn in and hurried off to claim the respective offices to which they had been declared elected.

An hour later injunction suits were filed before Judge Cantrell against the republicans to restrain them from attempting to participate in the transaction of the state's business, for every republican had, when demand was made for possession, calmly declined to consider the matter for an instant. The two rival sets of state officers from that time conducted dual governments pending a settlement.

The decision of the state board was received with the customary indignation, but not so violently expressed. Meetings were held in the larger cities, notably Louisville, where the act of the board was severely scored. The action of the board had been no surprise whatever to anyone, and was received with sullen resentment rather than with bitter denunciation by the people to whom it was distasteful.

In making its report the board showed that it had effected the result by rejecting the vote cast for state candidates in Jefferson county on account of "military intimidation, federal interference and unlawful use of mandatory injunctions;" and in the counties of Johnson, Martin, Lewis and Magoffin on account of "thin ballots." The decision in the latter counties was based

upon the decision of the court of appeals after the returning board had awarded the election to the republicans, taken to fix the quality of paper to be used for legal ballots. The board held that in the counties named the ballots had been so thin as to amount to practically viva voce voting, and that their votes were void because the secrecy of the ballot had been violated. They said that in other counties, both democratic and republican, the ballots were subject to criticism, but in the counties rejected the ballots and the devices as well justified summary action. Both republican and democratic votes, in fact all votes, were thrown out, whereby the republican plurality in these counties was eliminated by the board.

The Jefferson county part of the decision went into a long review of the election day events in Louisville from a democratic point of view. The action of Federal Judge Evans, in his charge to the grand jury in October, was regarded as an act of intimidation, and the members of the board went on to declare as a fact the federal statutes intended to enforce the fourteenth and fifteenth amendments to the constitution of the United States did not apply to cases arising out of state or local elections, but only to national elections.

The decision also accused the attorneys of the L. & N. railroad with promoting subordination of the military to the civil power and the defeat of the democratic ticket. The other points, already given space as the contentions of the democrats before the contest board, were touched upon by the board.

At the same time the board declared the election of John Henry Wilson as circuit judge. He had been elected by 94 votes cast in Knox county by persons who pasted his name on the ballots. The board, however, declared the election for state officers in this county void, on account of thin ballots.

A few weeks after the board had rendered its opinion there were two convictions in the federal court of defendants indicted for operations to prevent negroes from voting at the 1899 election. One of the defendants satisfied the judgment, fine and jail imprisonment, and the other took an appeal. A felony case arising out of a precinct in Louisville that had much to do with bringing out the militia, had a hung jury.

On a retrial of this case, the four defendants were convicted and each sentenced to three years in the penitentiary. An appeal was instituted.

The democratic state officers took up headquarters at the Capital hotel and transacted business with such persons as would deal with them, while the republicans continued to do likewise at the executive building. The result of it was that there was

utmost confusion and almost stagnation of business. Everyone was in doubt as to which was the legal set of officers. The republican officers had one crumb of comfort, the postoffice department ruling that mail addressed to state officers without the name of the officer, should be delivered to the executive building, but that where it was addressed to anyone by name, it should be delivered to such person without questioning the title given in the address.



CHAPTER XXXVIII.

S EARCH FOR THE ASSASSIN.—Caleb Powers Suspected.—The Jack Chinn Theory.—Was It a Trick That Failed?—Suit for Damages.—Dr. Vance's Complete Statement.—A Bullet Found.—Arrests.—Suspicion Against the Reward Plan.—Counter Charges of Conspiracy.

The search for the men who shot Senator Goebel seemed to begin with a well nigh impossible task. Even the most important feature of the case, the direction from which the fatal bullet had been fired became a bitterly disputed point. From various versions there arose all sorts of theories, some startling and wildly improbable, others borne out by bits of circumstantial evidence, though nothing conclusive so far as the general public could see.

Democratic managers declared that the shot which struck their leader down came from the executive building and in a few days had settled in their minds that it came from the secretary of state's office. One democratic paper published a diagram showing a portion of the first floor of the executive building upon which is situated the secretary of state's office, in support of the theory that the shot came from the window looking south from this office. Upon the appearance of this statement and diagram Secretary of State Powers gave it out to several papers that he was in Louisville. The same paper threw some strong hints in the direction of ex-Secretary of State Finley and he also came out in a statement saying he was in Louisville when the shooting took place. Another theory was that the shot came from the western door of the executive building.

Many persons held to the theory that Senator Goebel was shot in the back. They even hinted that Col. Jack Chinn fired the fatal shot. These hints were whisperings at first, but they became broader and more outspoken until finally Col. Chinn was all but openly accused of the shooting. They had it that Goebel and Chinn intended to turn a trick; that the democratic leader had instructed his follower to shoot him in the arm or through the clothing for the purpose of casting suspicion on the mountaineers quartered in the executive building, but that Chinn had made a blunder and inflicted a wound instead of merely tearing the clothing. In short, as some theorized, Senator Goebel, seeing he was losing his hold on the legislature, planned this bold

move to rally them to him once more. Statements attributed to Mrs. Amelia B. Saffell and Mrs. Kate Banta, who lived in Frankfort near Capitol square, were that they had seen a person shoot Senator Goebel from behind, and publication of these lent strength to the theory. These statements went unrefuted for some time and democrats throughout the state who felt assured that the theory was entirely false, began wondering why Col. Chinn did not promptly reply to the reflections cast upon him. He at first thought it best not to notice them. But as they became broader and more direct he at last, no doubt, concluded it was time to act. On March 5 he filed suit for slander against Mrs. Banta, asking damages to the amount of \$35,000. No suit was instituted against Mrs. Saffell, but she furnished to Col. Chinn, on March 7, a sweeping retraction, denying all of her previous statements and saying she knew nothing of the shooting. These incidents had the effect of silencing the comment reflecting on Col. Chinn.

Mrs. Banta's reply to the suit was that she did not make the statements attributed to her.

In this connection the testimony of Representative Cochran, who said he was standing upon the porch of the state house, looking down the walk which Senator Goebel and Col. Chinn were approaching, may be considered. Mr. Cochran was one of the first to reach Senator Goebel's side and assist him. He declared that if anyone had shot Senator Goebel from the rear he would have seen it.

During the time that there was so much discussion of the shooting, a part of which reflected upon Col. Chinn, he received a number of anonymous communications from various parts of Kentucky and other states. Among them was the following unique one on a postal card, which he received while at Lexington, on the way to sue Mrs. Banta:

"Mr. Jack Chinn, Lexington, Ky.—Dear Sir: Why don't you tell the truth and tell how you shot Goebel. Tell them you did not intend to kill him, but wanted only to make a flesh wound and create a sensation? Yours
DEMOCRAT."

On the side of the card were the words:

"Take the \$100,000 and give yourself up."

✦ ✦ ✦

Some days previous to Col. Chinn's action, Dr. Vance submitted to a long interview concerning the nature of the wound, which committed this surgeon to the belief that the wound struck

Senator Goebel from the front, but at the same time indicated that his opinion was founded entirely upon a slight circumstance.

"How large was the wound in the chest?" was asked.

"The chest wound, which I have referred to as the wound of entrance," replied the surgeon, "was about the size of a silver dime. When I saw it, the edges were rough and frazzled."

"How large was the wound in the back, referred to as the wound of exit?"

"That wound was about the circumference of an ordinary lead pencil. It was slightly elongated. This elongated appearance may have been caused from the position in which the patient was lying when examined, bringing about, possibly, some tension sufficient to make the wound appear oblong."

"Was the wound in the back, or wound of exit, of sufficient size to admit of the exit of a rifle bullet or a bullet of such size as to cause the entrance wound in the chest?"

"I do not think it was," replied Dr. Vance.

"Then, how are the statements that the bullet passed entirely through the body to be accounted for?"

"My opinion is that about seven-tenths of the bullet still remains in the body unless it was removed at the autopsy. My experience is that leaden bullets frequently divide upon striking bony obstacles, and I believe only a fragment of the bullet in this case actually made its exit from the body."

"Upon what did you first base your opinion that the bullet entered at the wound in the chest near the armpit?"

"When I arrived and consulted with the physicians who were with Mr. Goebel, I found that he was in a state of shock or collapse. My opinion was that this condition was caused by internal bleeding. It was at first a question among the physicians as to whether Mr. Goebel had been shot once or twice. It had not been definitely decided, owing to the danger to the patient resulting from such observation as would ordinarily be made, whether one bullet or two had taken effect. In other words, it was feared that the chest wound was distinct from that in the back, and that one of the bullets had penetrated below the diaphragm and the abdomen was, in consequence, involved. It being necessary to discover whether there was one wound or two, we called for Mr. Goebel's clothes, requesting Dr. Welch—my recollection is that it was Dr. Welch—to put on the coat and vest so that we might examine the fibers. We found that the fibers of the coat and vest were pressed inward from the front and outward from the back, showing the course of the bullet from front to back, and demonstrating that the rear wound was one of exit. This plainly indicated that there was but one wound,

and I gave it as my opinion that the wound was above the diaphragm and that the abdomen, therefore, was not injured. But there was no doubt of internal hemorrhage."

"What other evidences were there that the wound of entrance was in the chest?" was asked.

"Aside from the physical evidence of the fibers of his clothing, I could not gain absolute knowledge. The patient was in so serious a condition that anything but the barest necessary examination was dangerous. Ordinarily a wound made by the exit of a bullet is larger than that made by its entrance, but this is not an invariable rule. The circumstances must always be taken into consideration. My opinion of this wound was that the bullet entered at the chest and pursued its course almost without deflection."

"Lacking the evidence, then, furnished by Mr. Goebel's clothing, you could not state absolutely that the wound of entrance was in the chest?"

"I should not so state as a matter of positive knowledge. There are reasons, however, which lead me to believe that had the ball entered at the back the wound would have been of a different nature, and the bullet would probably have been deflected from its course by the structure of that region. My experience is that it takes very little to deflect a bullet's course."

"Did Mr. Goebel lose much blood?"

"He lost a great deal of blood internally. One interesting fact about the wound leads me to believe that when he was shot his arm was raised. What I say only indicates that fact, however; it does not conclusively demonstrate it. When, in examining the wound, it became necessary to raise his arm, the wound bled profusely, sending forth a stream of blood the size of a lead pencil or a little larger. But when the arm was lowered this bleeding stopped. This showed that the wound was atulous, or open, when the arm was up. When the arm was down the position of the tissues was such that the bleeding was stopped by valvular action. So that was an indication that Mr. Goebel's arm was raised when he was shot."

* * *

Still another theory was exploited regarding the identity of the man who shot Senator Goebel. This received some attention for several days, but later was apparently lost sight of entirely. The evidence of two reputable citizens of Frankfort, given at the time, implicated two well-dressed young men who did not have the appearance of mountaineers. On the morning that Senator Goebel was shot Henry Polsgrove, of Frankfort, stated that he entered State House square at the rear of the capitol shortly

after 11 o'clock. He had gone but a few steps when the sound of a shot rang out somewhere in front. It seemed to come from somewhere between the capitol and the executive building and Mr. Polsgrove hastened forward to see what could have been the cause. As he reached the corner of the capitol two men rushed past him. They were running rather low and close to the executive building. Mr. Polsgrove said he immediately turned and looked toward the front, where he saw a thin haze of smoke floating upward at a point between the two buildings. He looked back after the two men, who by that time had almost gained the street near the corner of the square where there was a buggy awaiting them. As the men climbed over the low wall the hindmost one dropped a pistol. He quickly recovered it and a moment later they jumped into the buggy and were off, whipping the horse almost into a run. They drove straight away out Lewis street and it was the last Mr. Polsgrove saw of them. In the excitement that followed he rather overlooked the incident and did not tell of it until afterwards. It was later learned that B. Gaines, a blacksmith, whose shop is immediately in the rear of Capitol square, also saw the men and his description of their actions agreed with that given by Mr. Polsgrove.

Some who were loth to believe that the fatal shot came from the executive building suggested that he had been killed by a friend or relative of John Stanford, for the killing of whom Senator Goebel was so bitterly attacked during the campaign. This theory, however, fell flat as there was never brought forward the slightest particle of evidence to support it.

During the first two weeks after the shooting many of the theories that sprung up and lived for a day only to be forgotten, were sensational to the point of being ridiculous. Some skeptics held for a while that he had shot himself for the same reason that others thought Col. Chinn had shot him, and that the weapon slipped at the critical moment. There was another theory that he was not really shot at all, but that he merely had two trusted friends to discharge the firearms which were heard by everyone in Capitol square. This, of course, proved nonsensical in face of the evidence from other sources, particularly that given by the physicians. It was believed by some in the excitement and general doubt of the moment. In the bewilderment of so many theories probable and improbable, one was suggested that he did not believe Goebel had died from any wound he might have received in Capitol square that fatal morning. When asked what had become of him the man responded: "Oh, he was spirited away somewhere, I guess by this time that he is up in the mountains looking for his own assassin."

There were various theories advanced suggesting that the shot might have come from one of the two rows of houses to the east and west of Capitol square. It was also held that the assassin might have been lurking in one of the houses on the far side of Broadway, the street bounding the square on the south. Credited by many was a theory that the assassin was lurking in the deep, dry basin of the fountain near which Goebel fell. That anyone looked into the basin soon after the shooting is not known. It is elevated on a little embankment and the bottom of it cannot be seen from the walk.

All testimony of those near at hand agrees in saying that when shot Senator Goebel was walking up the pavement toward the state house. Had the shot been fired from either the eastern or western side of the square the bullet would have struck him in the side instead of the breast, unless Mr. Goebel was facing one side or the other.

As to the number of shots fired the testimony during the days immediately following the shooting was of a very varied nature. The number fired was placed at anywhere from three to nine. On one point practically all the testimony seemed to agree, namely, there was one shot which rang out distinctly, which, after a very brief interval, was followed by several in quick succession. When practically all of the testimony had been gathered it seems that the general opinion was that there had been one shot followed by four. A number of persons entered further into details and said that the first shot sounded to them like the sharp, clear ring of a rifle, while the several which followed were more like the heavy, dull reports of a revolver. The democratic members of the general assembly mainly held to this opinion.

There was a brisk wind blowing on the day upon which the shooting occurred. Therefore, the direction from which the sound of the shots seemed to come was very difficult to ascertain with any degree of accuracy. On this point there was a wide diversity of statements from those who were within the state house or on the outside near the building. Upon only one point did the general evidence agree, namely, all seemed to think that the sound of the shots came from somewhere near the ground.

Representative Owen Cochran said he thought the shots sounded as if they were to the left, that is, in the direction of the executive building. Col. Chinn's statement is hardly any more definite. Senator Goebel never made a statement on this point, or if so, it was not given out to the public. Several statements made as to the sound of the shots were to the effect that while the first rang out sharp and clear the others sounded as if they had been fired within a house.

On February 5 police officers were admitted to the capitol grounds and made an investigation. What was supposed to be an important clue to the direction from which the shot came was discovered in Capitol square on February 12. This was the day upon which nearly all the soldiers were withdrawn. Jacob Wagner, a visitor of Woodford county, found a bullet lodged in the trunk of a hackberry tree to the west of the middle walk, and about fifteen yards from the front fence. The hole where the bullet entered was on the part of the tree towards the executive building. A block several inches square, containing the bullet, was cut out of the tree trunk and preserved by the officers as evidence. The bullet hole in the tree was about four feet above the ground. By its shape, it was difficult to determine from just what direction the bullet had come. Several persons had thrust sticks and knives into the hole, thus destroying the regularity of its edges. It was suggested that one of the soldiers might have fired the shot that struck the tree. A survey of the ground was made for the purpose of showing that the bullet in the tree was in line with the spot where Senator Goebel fell and the executive building. When this survey was made it started a dispute as to what was just exactly the spot where he fell. Some witnesses contended that he fell on a spot which, when aligned with the hole in the tree, made it possible for the shot to have been fired from the secretary of state's office. Other witnesses so placed the spot as to make it and the hole in the tree align with the door of the executive building. Still others held that Senator Goebel, when struck, was at a point on the pavement which, when aligned with the hole in the tree, did not touch the executive building at all. The exact spot upon which the democratic leader was standing when the bullet struck him remained in some doubt.

* * *

On the day before his examining trial, Holland Whittaker is said to have made a statement to a court official regarding his connection with the affair. There were various rumors regarding Whittaker's alleged complicity in the killing. One of them was to the effect that he had sent a telegram to Morgantown, Butler county, which read: "The mule will cross the stream today between 10 and 12." No reference to this was made in the trial. Whittaker was held over to the grand jury without bail. He was represented by State Senator Nat. Howard of Morgantown and Attorney Estill D. Guffy of Louisville. A number of witnesses were introduced by the prosecution, though none of them were cross-examined to amount to anything by the defense, who introduced no witnesses. The main

testimony tended to show that Whittaker had been seen at a window just above the entrance door of the executive building half an hour before the shooting.

Silas Jones, who had been arrested in Frankfort as a suspect, said he was in the executive building when the shot was fired, and said that it sounded as if coming from a general direction that included, among other places, the secretary of state's office.

* * *

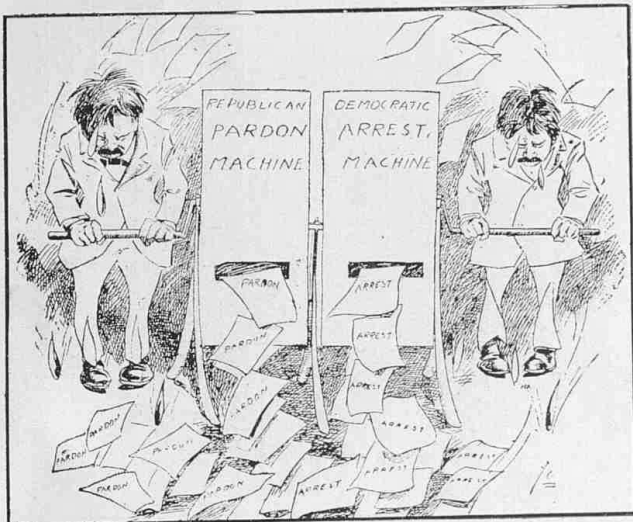
For many days before the arrest of the men charged with complicity in the murder of Mr. Goebel, rumor was rampant throughout the state, and particularly at Frankfort, on the subject. It was a generally accepted fact that republican state officials would be among the ones arrested, but just how far the prosecution would go in this direction was a matter of great speculation. The democratic officers worked quietly, though every now and then hints were thrown out as to the line they were pursuing. In this way the character of arrests the democrats proposed making was gradually revealed. Then it was that the republican and anti-Goebel democratic press began to raise the cry of "black conspiracy." They openly charged that the democrats were engaged in working out a plot to place in great danger, or probably destroy, the lives of innocent men. When the \$100,000 reward bill passed, all of these papers held that the amount was sufficient to convict anybody for any crime. To this cry of conspiracy the regular democratic press answered back that officers of the law were undermining a "hideous conspiracy" which would shortly be laid bare. Between the two, "conspiracy" was a much overworked word. There were broad hints by the democrats that, besides other prominent republican leaders, Gov. Taylor himself would be implicated.

On March 9 a climax came. Upon the affidavit of T. B. Cromwell of Lexington, correspondent for a Cincinnati newspaper, warrants were sworn out for Secretary of State Caleb Powers of Barbourville, John Lay Powers, his brother, also of Barbourville; ex-Secretary of State Charles Finley of Williamsburg; Capt. John Davis, policeman at Capitol square, and W. H. Culton of McKee, Jackson county.

The warrants charged the five men with being accessory before the fact to the murder of Senator Goebel.

Davis and Powers were arrested a day or two afterward at Lexington. They had left the executive building disguised as soldiers, with a detail of militiamen, boarded a C. & O. train under the noses of watching police officers and deputy sheriffs, but were intercepted at Lexington, where, after a struggle, they were overpowered and jailed. They were removed to Louis-

A NEW KIND OF RACE.



In the Bluegrass Country.
Indianapolis Press, March 30, 1900.

IN OLD KENTUCKY.



A Witness for the Prosecution.
Pittsburg Chronicle-Telegraph, March 26, 1900.

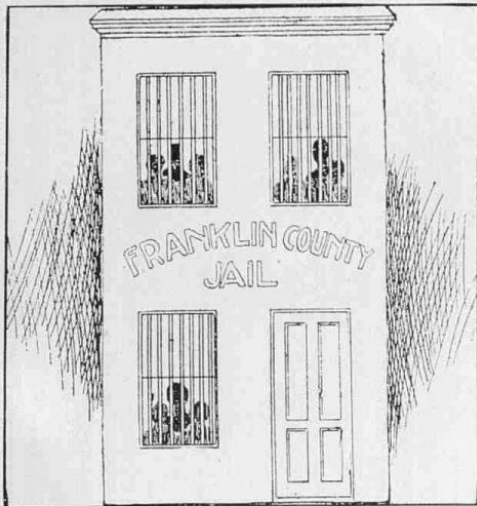
ville, for some reason or other, and then returned to Frankfort. Culton had been arrested very promptly. All three of the prisoners protested their innocence.

When Davis and Powers were searched at Lexington they were found to have pardons signed by Gov. Taylor. The pardons were ignored by the authorities at Lexington.

† † †

Conditions became very much strained at Frankfort after the arrest of Culton, Powers and Davis. There was open talk of war then and there. All sorts of disturbing rumors were afloat, which had the effect of keeping both sides particularly wide awake. A heavy guard was maintained at every point by the soldiers inside Capitol square. There were also two or three sentries posted at the executive mansion. The republicans had heard that the democrats intended to make a rush on the executive building for the purpose of securing possession of the offices. The democrats had heard that the republicans contemplated the arrest of Gov. Beckham by means of the military. A large number of special police were sworn in for the purpose of guarding Gov. Beckham and the democratic officials who made their headquarters at the Capital hotel. The exact number of this guard was never given out, though it was variously estimated from seventy-five to 400 men. Guards were maintained constantly in the lobby of the Capital hotel. They also patrolled the streets in squads of twos and threes throughout the whole night. Sentinels were posted around Capitol square, and by a system of signals they gave warning when there was any suspicious movement of the troops. Besides keeping up a constant patrol these Beckham guards were posted at a number of convenient windows and in various alleyways. The guards carried only their pistols, but many of them kept shotguns and rifles handy in case of a fight. At the police station a large number of rifles and ammunition were placed within easy reach of members of the guard, who were sleeping at their homes but ready to answer the first summons. A single shot fired by either side would doubtless have precipitated a bloody conflict. One night when this delicate situation was about at its climax, several soldiers appeared on the street near the capitol with their arms. They were probably searching for some comrade who had left camp, but they succeeded in throwing the whole of Gov. Beckham's retinue into the greatest excitement. The entire force stood in readiness for an attack until the three soldiers finally retired to their camp, never suspecting, probably, the excitement they had created, but nevertheless discretely keeping at a safe distance from the Capital hotel.

THE SITUATION AT FRANKFORT.



"Republicans have a majority in the house."
Louisville Times, April 4, 1900.

SUBJECT TO FITS.



Look out, boys! She's about to have another!
Minneapolis Tribune, March 14, 1900.

Mr. Finley was reported first to be attending to private business in the mountatins, and waiting for some one to try to arrest him. Later he turned up in Indianapolis, where he remained openly, Gov. Mount of that state having notified Gov. Beckham that he would not pledge himself in advance to honor a requisition from Gov. Beckham.

The negotiations between Gov. Mount and Gov. Beckham arose out of a request by Mount for a warrant of arrest for Rudolph Gossman, a convict who was about to be released from the Frankfort penitentiary. The correspondence in the case follows:

"Hon. James H. Mount, Governor of Indiana, Indianapolis, Ind.: A requisition from you for the arrest of one Gossman, wanted in Floyd county, Ind., has been presented to me. I will gladly honor it if you will first assure me that any requisition issued by me as governor upon you will also be honored. This understanding is desired because of certain expressions attributed to you in the press.

"J. C. W. BECKHAM, Governor of Kentucky."

Gov. Mount answered as follows:

"Hon. J. C. W. Beckham, Frankfort, Ky.: Replying to your telegram of the 3d inst., I can not enter into any compact or agreement that shall become binding. This would be an unwarranted departure from executive practice and the law. I must reserve the right to determine each requisition on its merits.

"JAMES H. MOUNT, Governor of Indiana."

Mr. Beckham made the following statement in regard to the matter:

"The effort in this reply to create the impression that I seek to make a compact on the subject of requisitions with Gov. Mount is ridiculous. Of course everyone understands that a requisition must be considered on its merits by a governor. My object was to discover whether Gov. Mount now recognizes Taylor or myself as governor of Kentucky. If he recognizes me as such, then his requisitions to me will be considered. If he recognizes Taylor as governor, then he should send his requisitions to him."

In discussing the affair, Gov. Mount said:

"In answer to repeated and persistent questioning I have pub-

licly stated that I could not, under existing circumstances, recognize Mr. Beckham as the legally constituted governor of Kentucky. In this my sense of right and justice has been based on conditions, not theories. Mr. Taylor received a decisive majority of the votes cast at the election of 1899, and in spite of desperate opposition he was declared by a democratic returning board to have been duly elected governor. Subsequent events up to this time have not materially changed his status.

"Beckham's title was conferred upon him by the questionable methods of a legislature acting under a law that has been almost universally branded as infamous. It remains to be seen if the courts will sustain the legislature in arbitrarily promoting Beckham to the office of governor through the medium of a train of tragic events. If the final decision is in his favor, his recognition will follow as a matter of course and of right under the law, but until such decision is rendered he must be regarded and accepted as a contestant whose claim to the governorship is seriously doubted by all conservative and right thinking people.

"In the telegraphic correspondence with Mr. Beckham today I expressed my sentiments as clearly and as forcefully as my command of the English language would permit. By reference to that correspondence it will be observed that Mr. Beckham proposes to honor a requisition from the governor of Indiana provided I will in turn grant any requisition from Mr. Beckham. I could not consent to such an arrangement, even though Mr. Beckham's title to the office had never been questioned. Such a compact would be wilfully unfair, mischievous and unlawful. It would be nothing short of a personal agreement between two officials to perform certain acts regardless of the merits of the case or of consequences.

"Mr. Beckham did not stop to consider the fact that there is a material and important difference between private interests and public duty. Moreover, his proposition is in conflict with the constitution of the United States, which provides specifically that there shall be no treaties or private contracts entered into by states by their official representatives.

"The time will never come, certainly not under the present administration, when Indiana will be an asylum for criminals, but it would be unchristian and inhuman to permit maddened partisans of another commonwealth to drag away citizens, even though only temporarily abiding here, to a place of persecution—where, self-confessedly, law is a travesty and justice is a mockery.

"The enormous reward offered for the conviction of Goebel's slayer is of itself a monstrous evil—an incentive of moral and

physical assassination—the sacrifice of innocent men to personal greed and partisan avarice.”

Powers was reported to be in several places in the southeastern part of the state, but no one made a move to arrest him, apparently.

W. L. Hazelipp, steward of the Central Asylum for the Insane, was next arrested on a warrant charging him with being an accessory. He was released on bond. Nothing specific was brought against him. He waived examining trial.



CHAPTER XXXIX.

THE ARRESTS.—Charges of Conspiracy.—Republicans Accused of a Great Crime.—Protestations of Innocence. Powers and Davis Apprehended.—The Liberty League.—Campbell Denounced.—Golden, the Informer.—The Examining Trial.—Almost a Massacre.—Youtsey Accused.—Taylor Declares His Innocence.—Alleged Confessions.—Jim Howard Accused.—“Tallow Dick” Combs.—Grand Jury Begins Work.

The warrants against Powers, Davis, Finley and others had not been issued until after the \$100,000 prosecution appropriation had been passed by the legislature. This, together with the employment of T. C. Campbell, formed the basis for the intense agitation that arose against the arrests of republican officials on the charge of being accessory to the murder of Gov. Goebel. Campbell, it was put forward, was a man indirectly responsible for the terrible Cincinnati riots in 1884, when about 40 persons lost their lives in the disturbance. Resentment against the local courts had been so great on account of repeated failure to punish persons charged with murder and other grave crimes, that, when a particularly atrocious case came up and it resulted in a nominal punishment through the efforts of Campbell, the strain broke and a mob went after the criminal to take him from the jail and hang him. Resistance by the police and militia brought on a riot that lasted for three days. The courthouse was burned and soldiers and citizens fell under the shots that were exchanged. Campbell's usefulness in Cincinnati was practically ended, and he went to New York, from whence he was brought by Justus Goebel to conduct the prosecution of persons suspected of connection with the shooting of Gov. Goebel.

Campbell proved unpopular from the start, and every bit of his Cincinnati record was brought out and published with a view of discrediting him with the people of Kentucky. The combination of Campbell and the large sum of money, it was argued by distrustful republicans, would result in the prosecution and hanging of innocent persons in furtherance of political ends.

Some hints that pointed to a belief on the part of the democrats that Gov. Taylor was involved in what they claimed was a conspiracy did nothing to allay the agitation that followed the arrest of Powers.

After these arrests, it was given out that one "Tallow Dick" Combs, a negro, was wanted in connection with the case. Combs had the reputation of being a very dangerous character, so much so that it was related of him that he carried a gun at so much per day in a feud in eastern Kentucky, and he was credited with having killed several men. It was intimated that Combs was wanted very badly, and the suggestion made that he would be very difficult to capture. When Combs heard of this he was at Barbourville engaged in the peaceful business of conducting a barber shop. It was said that he had been in Frankfort on the day of the murder with another negro named Hockersmith. Combs sent word to Frankfort that whenever he was wanted he would come and surrender himself, and that he could account for his movements in Frankfort.

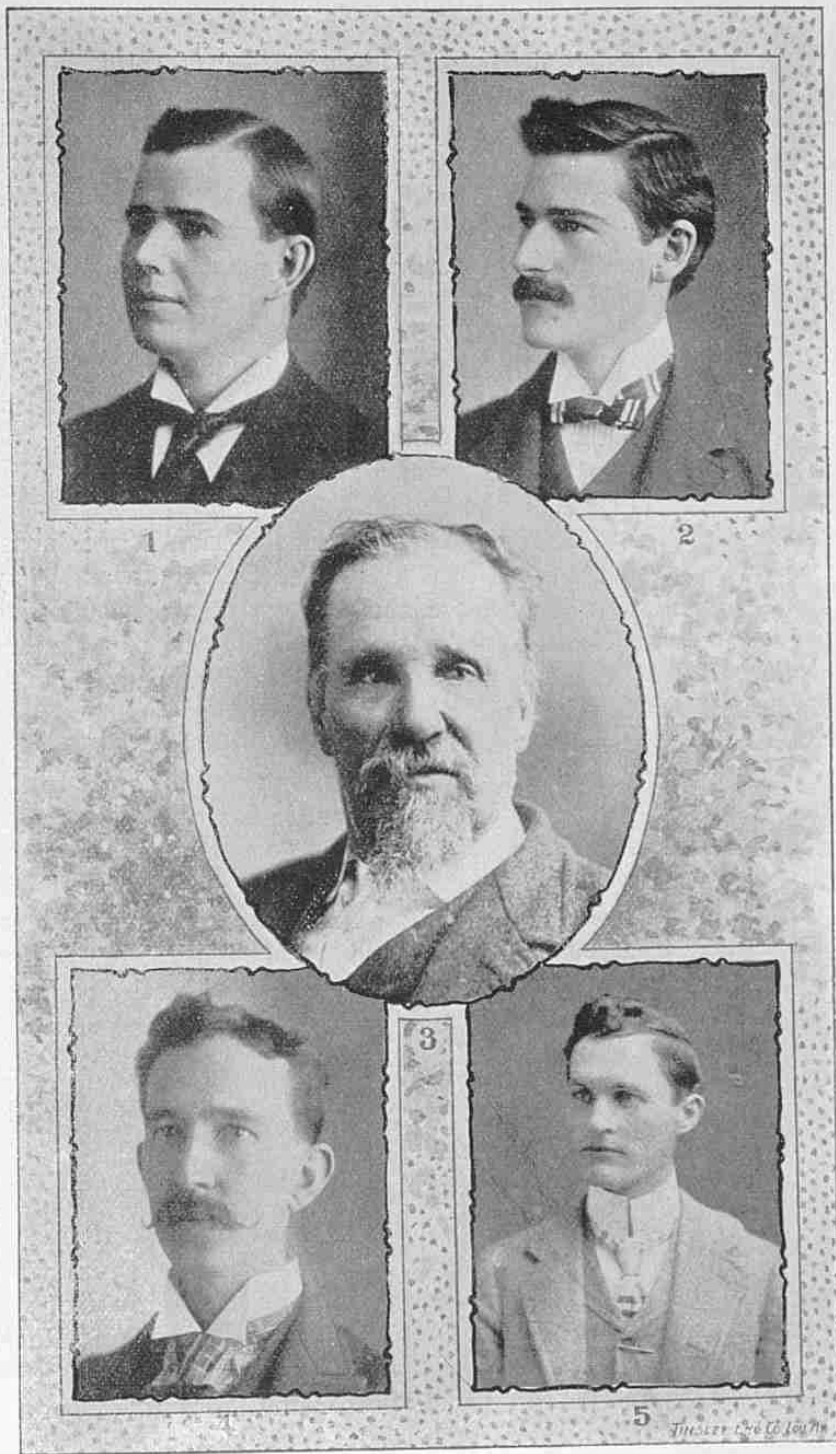
✦ ✦ ✦

"Liberty leagues" were formed in many places in Kentucky. The object of these, it was stated, was to organize to defeat the persecution of innocent persons, and the members pledged their property and lives to the objects of the league. The first one was organized in Louisville, where, it was stated, ten or twelve such organizations would be formed. The membership was not made public. Other portions of the state were also organized.

✦ ✦ ✦

After some days, Caleb Powers obtained an examining trial. Counsel was provided for him with ex-Gov. John Young Brown at the head of it. The trial took place at Frankfort on March 23 before County Judge Moore. Several days before that Gov. Beckham had placed at the disposal of the Frankfort civil authorities soldiers owing allegiance to him. Capt. C. C. Longmire, of Lexington, brought along those members of the second Kentucky regiment that recognized Beckham. Besides that, a large number of Frankfort democrats were sworn in as deputy sheriffs. These guarded the court room pending the trial.

In this case the prosecution was represented principally by Col. Campbell, who produced as his star witness Sergeant F. W. Golden of Barbourville, brother of Capt. B. B. Golden, one of the men who was wounded in the Colson-Scott affray on January 16. This Golden took the role of an "informer," which aroused against him the deepest indignation among the friends of Powers. Golden was evidently badly scared, as he was on the verge of fainting several times during the trial. His testimony was to the effect that Powers was principally responsible for the organization of the crowd of mountaineers that invaded Frankfort on January 25. He said he had brought some of the men himself at Powers' request, and that Powers had recommended that "regu-



DEFENDANTS AND A JUDGE.

1.—Henry E. Youtsey, of Newport. 2.—W. H. Culton, of Jackson county. 3.—“Old Judge Dan” Moore of Franklin county. 4.—F. Wharton Golden, of Knox county. 5.—Caleb Powers, of Knox county.

lar mountain feudists" be brought. Golden said that he "understood" that men were wanted who would go into the legislature and kill enough democrats to leave a majority for the republicans. He said that J. L. Powers on the morning of the shooting told him that Goebel would be killed. J. L. Powers, the witness said, had given a strange man whom the witness had later seen again, a key to his office just before making this statement. Golden said Culton had brought men from Jackson county, men who "would fight for their rights." This witness also said that "Tallow Dick" had told him that he wanted to kill Goebel.

Golden said that he was with the two Powers boys on the train en route to Louisville when at a station they heard that Goebel had been shot. Caleb Powers had said, "That's a — dirty shame; its an outrage on the people."

There was like to be a slaughter during the trial. Words arose between George Denny, of counsel for the defendant, and Atty. Tom Campbell. As they arose and started toward each other, one half the crowd bolted for the doors and the other half pulled pistols. Matters quieted down only as by a miracle. It ended the proceedings for the day. Golden had to be taken out half a dozen times during his testimony to get air.

Upon mainly Golden's testimony Powers was held over to the grand jury without bail. Judge Moore, in his odd style, said: "I'll say in behalf of this defendant that I do not believe he fired the fatal shot that caused the death of Senator Goebel, but I will say further that I firmly believe he was connected in this conspiracy that caused the death of Senator Goebel." The pardon for Powers was formally offered, but was ignored by the court.

Davis and Culton waived examining trial, Davis being released on \$5,000 bond, and Culton being allowed to remain at home under guard.

✦ ✦ ✦

The man to whom J. L. Powers had given a key, supposed to be for the secretary of state's office, was H. E. Youtsey, of Newport, a clerk in the auditor's office, according to Detective Dee Armstrong, who arrested him on a warrant charging him with being an accessory before the fact to the murder of Gov. Goebel. A decided stir was caused by developments in this case. Relatives of Youtsey's wife were approached by James Andrew Scott and they stated that he had urged upon them that Youtsey should make a confession and get some of the money; that if Youtsey did not confess, Culton would, and that Youtsey might as well get a share. Scott was reported as saying that Youtsey could hang Gov. Taylor and damn the republican party forever. This, when given out as it was by two of the most prominent citizens

of Winchester, N. H. Witherspoon and Judge C. S. French, brother-in-law and father-in-law respectively of Youtsey, and always known as pronounced Goebel men, caused some consternation among those who believed that the search for the assassin was being made in good faith. Judge Scott answered the statement by stating that Youtsey had asked for a share in the reward and had himself said he could tell things that "would cause an explosion that would blow the republican party out of existence and hang Taylor." Scott said he had interested himself in Youtsey's case out of kindness of heart.

The Scott-Youtsey affair brought matters to a white heat.

Judge Jos. H. Lewis, chairman of the prosecution commission, gave out a declaration that not a cent of the money controlled by the commission would be applied to "confessions." To say that Scott was criticised by the republicans is putting it mildly. They resolved that the sole object of the prosecution was to involve Gov. Taylor in a trumped up case. The strong democratic press threw suspicion on Gov. Taylor's every movement and intimated that he was preparing to flee the state.

A publication purporting to relate the substance of a confession by Youtsey sought to throw even more suspicion on Gov. Taylor. It was claimed that Youtsey would turn state's evidence. According to this suspicion was thrown on Jim Howard of Clay county as the man who fired the fatal shot. It was intimated that Youtsey had purchased smokeless powder cartridges with steel bullets in Cincinnati and gave them to Howard. The rifle used was said to be one belonging to another clerk in the auditor's office and purloined by Youtsey without the owner's knowledge. The story was that someone had fired from the secretary of state's office, that flight had been taken by a private door leading to a cellar, and that the weapon had been replaced. Youtsey was said to have stated that Gov. Taylor was made aware of plans for the taking off of Goebel. This, in short, is the story. Culton was said to have added some testimony to it.

Gov. Taylor said to the public at about this stage:

"Once, and for all, I desire to say, that neither directly nor indirectly had I any connection with the assassination of Senator Goebel. I am a citizen of this state, amenable to its laws. I am not a criminal, neither shall I ever be a fugitive from justice. Whenever indicted, if such an outrage should be committed, I shall appear for trial, conscious of my innocence and of the ultimate triumph of right and justice.

"The whole purpose of this persecution has been, and is, to drive me from my post of duty and to punish me for holding the

office to which I have been fairly elected. Such a surrender I have not made, nor will I make it unless the highest court of this land should adjudge that I do so. W. S. TAYLOR."

Jim Howard, when he heard that he was accused, sent word from the fastnesses of Clay county that he was willing to surrender to any officer armed with the proper warrant.

The Franklin county grand jury started its session at Frankfort on April 2. There were two republicans on it. The others were all democrats. Judge Cantrill delivered only a brief charge. Judge Cantrill denied the newspapers the privilege of publishing the names of persons appearing before the grand jury.

"Tallow Dick" Combs was arrested and taken to Frankfort. He proved to be a very intelligent mulatto. He denied any connection whatever with the murder.



CHAPTER XL.

COURT OF APPEALS AGAINST TAYLOR.—Declared an Usurper.—Republican Judges Concur in Decision.—No Surrender Yet.—On the Banks of the Elk-United States.—Argument on April 30, on Question of Jurisdiction.

There was little confidence upon the part of anyone that the court of appeals would reverse Judge Field in the gubernatorial cases. The general impression seemed to be that the decision would be by a division of the seven judges on party lines. The argument in the cases was heard in Louisville. After taking nearly a week to consider the case, the court on April 6 returned a decision, which was to sustain Judge Field in his opinion that Gov. Taylor had been legally unseated. Two republican judges concurred with the four democratic judges in the conclusion, but in a separate opinion said that an irreparable injury had been done Taylor and Marshall. Another judge, republican, wrote a dissenting opinion in which he stated his opinion that the boards of contest had gone beyond their jurisdiction and that their action was null.

Judge J. P. Hobson wrote the deciding opinion, in which Judges Hazelrigg, White and Paynter concurred. Judge Burnam and Judge Guffy were the republicans who decided to the same effect. Judge DuRelle, the third republican, wrote the dissenting opinion.

Taylor and Marshall promptly sought a writ of error to the supreme court of the United States. The chief justice and other members of the court had left Frankfort for a fishing trip, being found at the Forks of the Elkhorn by the attorneys who hastened to make the application. On the banks of the historic stream, where in Kentucky's pioneer days Daniel Boone hunted and fished and spent the most eventful years of his life, the writ of error was granted and Chief Justice Hazelrigg signed the necessary papers.

"The right is one our side and we will eventually win," said ex-Gov. Bradley. For their part, Mr. Beckham and their friends said they had been vindicated. No effort was made to enforce possession of the statehouse, the agreement being to wait upon the decision of the supreme court.

CHAPTER XLI.

INDICTMENTS AGAINST MANY.—Five men charged with the Willful Murder of Gov. Wm. Goebel.—Others Accused of Being Accessory.—Gov. Taylor Mentioned.—Reported to have Been Indicted.—Mystery About the Matter.—No Development to Show What Had been Done.—Hazelipp Dismissed.—Pardons Ignored.—Motions for Change of Venue Granted.—Bail Denied Defendants.—Culton Moves for Bail and Asks for a Hearing of Proof.

While the jury was being impaneled for the trial of the case against D. G. Colson, at Frankfort, for shooting Lieut. Scott, the grand jury filed into the room and handed in to the court a bundle of indictments, the contents of which were withheld from the public for a time. The grand jury did not adjourn sine die, but continued its deliberations for a week longer.

It was found that indictments had been returned against the following persons, charged with willful murder of Gov. Wm. Goebel:

Henry E. Youtsey, of Newport, clerk in the office of the state auditor.

Holland Whittaker, farmer, of Butler county.

Berry Howard, of Bell county, ex-member of the state legislature.

James Howard, of Clay county, under indictment for the murder of Jim Baker.

"Tallow Dick" Combs, a mulatto barber, of Beattyville.

Indicted as accessories before the fact were the following:

Ex-Secretary of State Charles Finley, of Whitley county.

Secretary of State Caleb Powers, of Knox county.

John L. Powers, brother of Caleb, also of Knox county, a captain in the state guard.

F. Wharton Golden, of Knox county.

The indictments charging complicity, in their language indicated as co-conspirators, but did not indict, the following:

Gov. W. S. Taylor, of Butler county.

Capt. John Davis, policeman of Capitol square.

Green Golden, brother of F. Wharton, of Barbourville.

W. L. Hazelipp, steward of the Central asylum for the insane at Lakeland, who had been arrested, was not indicted, and the case against him was dismissed.

The language of the indictments in which Gov. Taylor was mentioned was as follows:

"That ——— did conspire with Caleb Powers, F. W. Golden, Green Golden, John L. Powers, John Davis, W. H. Culton, W.



THE KENTUCKY COURT OF APPEALS.

1.—J. P. Hobson. 2.—B. L. D. Guffy. 3.—J. D. White. 4.—J. H. Hazelrigg. 5.—A. R. Burnam. 6.—T. H. Paynter. 7.—Geo. DuRelle.

S. Taylor, Henry Youtsey, James Howard, Berry Howard, Holland Whittaker, Richard Combs and others, to the grand jury unknown, and did commit, advise, encourage and procure the death and murder of said Goebel," etc.

The indictments for willful murder read as follows:

"Franklin Circuit Court; the Commonwealth of Kentucky vs. Henry Youtsey, James Howard, Berry Howard, Holland Whittaker and Richard Combs, indictment for willful murder:

"The grand jury in the county of Franklin, in the name and by the authority of the commonwealth of Kentucky, accuses Henry Youtsey, James Howard, Berry Howard, Holland Whittaker and Richard Combs of the crime of willful murder, committed as follows, viz:

"The said Henry Youtsey, James Howard, Berry Howard, Holland Whittaker, Richard Combs and others, then and there acting with them, but who are to this grand jury unknown, in the said county of Franklin, on the 30th day of January, 1900, and before the finding of this indictment, unlawfully, willfully, feloniously, of their malice aforethought to, and with intent to kill, did kill and murder William Goebel by shooting him with a gun or pistol, loaded with powder and other explosives, and leaden and steel balls, and other hard substances, and from which said shooting and wounding said Goebel died on the third day of February, 1900, and the aforesaid grand jury does further charge that one of the above named defendants or another person then and there acting with them, but who is to this grand jury unknown, did, so as aforesaid, then and there kill and murder said Goebel, and the other of said defendants did then and there counsel, advise, assist and abet the same, but which so actually fired the shot and which so counseled, advised, aided and abetted therein is to this grand jury unknown, against the peace and dignity of the commonwealth of Kentucky."

Upon reassembling, the grand jury returned indictments against Green Golden and Capt. Davis, charging them with complicity. Whether an indictment had been returned against Gov. Taylor was not known. However, there was a sensational publication to the effect that there was an indictment against Gov. Taylor that had not been given out. The court officials refused to deny or confirm this story, but the court records showed no sign of an indictment. Before the grand jury adjourned sine die Gov. Taylor returned to Frankfort to face any indictment that might have been brought against him. He went directly to Frankfort, but no paper was served on him, and his inquiries addressed by letter to the commonwealth's attorney of Franklin county met with a non-committal reply.

Gov. Taylor had been to Washington and had also visited New York, where he was a caller upon Gov. Roosevelt, who received him most cordially. A story went out to the effect that he had applied to Gov. Roosevelt for protection from any requisition that might be sent for him by Gov. Beckham. On the other

hand, it was denied that any such request had been made. Gov. Taylor's business in the east was ostensibly to look after his case before the supreme court. He returned to Kentucky before the grand jury adjourned and before the argument in the supreme court came up.

No additional arrests followed before April 30. Of those indicted, Charles Finley, J. L. Powers, Jim Howard, Berry Howard and Green Golden were at large at the time the indictments were returned. Mr. Finley was at Indianapolis, where he seemed safe, owing to Gov. Mount appearing unfavorable to recognition of any requisition from Gov. Beckham. Mr. Finley said, after hearing of his indictment:

"I intend to return to Kentucky and face the indictment against me. My mind has not been changed by the news of the indictment. I have all along intended to go back to my state. I cannot say just when I shall go, probably not until the trial on the indictment, for I am not willing to go back and be thrown into jail. When the time for the trial comes, however, I shall go to Kentucky and defend myself against the unjust charges they have brought against me."

The question whether or not Gov. Taylor had been indicted caused intense speculation. It was stated that he was ready to submit to arrest and give bond in any amount if an indictment had been brought against him, but the indictment matter remained a profound mystery at the close of April.

* * *

When, on April 30, the cases of those held over from the county court were called, they had been indicted, and the proceedings took the form of an arraignment, trial of motions for change of venue, bail, etc. Representing the defendants were ex-Gov. John Young Brown, R. C. Kinkead of Louisville, J. C. Sims of Bowling Green, L. J. Crawford of Newport, R. W. Nelson, John W. Rodman of Frankfort, D. W. Lindsey of Frankfort, E. E. Hogg of Mt. Sterling, W. R. Ramsey of London, and Wood Dunlap of Lexington. The prosecution was represented by Commonwealth's Attorney R. B. Franklin, T. C. Campbell and B. G. Williams.

Those defendants who were arraigned were Caleb Powers, Davis, Whittaker, Culton and Combs. They entered pleas of not guilty. Youtsey had been previously arraigned and had pleaded not guilty. Motion was then made for change of venue for the defendants, except Culton, who asked no change of venue.

First, the pardons given Caleb Powers and John Davis by Gov. Taylor were formally tendered by their attorneys, and were ignored. Then proof was taken on the motion for change of venue, citizens of the county having presented an affidavit stating that owing to the state of excitement existing in the county, no fair and impartial trial could be had for the defendants. This was replied to by a counter affidavit by citizens who thought the

contrary. Attorney Nelson, for the defense, said that proof should not be taken and that the court should have judicial knowledge of the conditions, saying that taking of proof on this question in a court room, surrounded by the armed soldiery owing allegiance to one of the claimants for the governorship, would be futile. The motion was overruled.

Witnesses being examined, it developed that the democratic witnesses all thought there could be a fair trial in Franklin county, while the republican witnesses examined stated the opposite belief.

Richard Kirk, a farmer, testified that in his opinion a fair trial could be secured in Franklin as well as in any county in the state. As he left the stand ex-Gov. John Young Brown, who was conducting the examination, said:

"Mr. Kirk, I forgot to ask you what are your politics."

The witness, facing the ex-governor, said:

"My politics now are the same as yours used to be when you were governor and I hauled hay for you."

This reference to the late gubernatorial candidate caused a demonstration in the court room. The court officers pounded vigorously for order, Judge Cantrill, in a vigorous statement, admonished the crowd that a repetition of the offense would be followed by an order from the court clearing the court room.

Ex-Gov. Brown filed an exception, basing it on the incident, and called attention to it as an evidence of the heated state of feeling.

At the conclusion of the testimony Mr. Kinkead opened the argument for the defense on the motion to grant the change of venue on the *prima facie* case, that he claimed had been made out by the witnesses for the commonwealth. He was followed by T. C. Campbell, of the prosecution, who said that instead of making out the *prima facie* case for the defense, the witnesses had without exception given it as their belief under oath that the defendants could get a fair trial.

After others had spoken, Judge Cantrill said.

"Gentlemen: Individually I concur in the expression of opinion as enunciated by every witness that has been on the witness stand for the commonwealth. My individual opinion is that these defendants could procure in this county a fair and impartial jury to try the case according to the law and the facts submitted to them; yet that is not the controlling feature which will govern the court in passing upon this motion for an application for a change of venue. Personally and officially I know the condition of affairs now existing in the city of Frankfort. I have known it since the first of January, and as a matter not only for the protection of the counsel, court and the defendants, this court would not undertake, with an armed mob assembled upon the state-house square to undertake to try a sheep-killing dog in this community with that state of affairs existing, and it certainly would

not undertake to try a man for his life under these existing circumstances, against his protest.

"In addition to that, this court abhors the idea of going into a criminal investigation before a jury with even the jail protected by the militia. The court is not advised, and cannot even imagine, how long this state of affairs will exist in Franklin county, and in order that these parties may have a speedy trial, if they so desire, it is the duty of the court to grant this application. You gentlemen can confer and see whether you can agree upon a county, if you desire to confer as to where this change of venue will go."

Judge Cantrill selected Scott county as the county for the trials, and said the trial could be at a special term at Georgetown in May or July. Scott county is normally democratic. It is the home of Judge Cantrill.

The motions for bail were refused, the defendants who applied for it being held without bail. The motions were based upon the ground that the indictments did not designate any of the alleged principals as one alleged to have fired the shot.

In the case of Culton, who also asked for bail, his attorney, W. R. Ramsey, said that he preferred to go into evidence.



CHAPTER XLII.

ARGUMENTS BEFORE THE SUPREME COURT.—
 “Contention for Constitutional Liberty,” Says Bruce.—
 Why There Was No Carnage.—Denies That Taylor Was
 Ousted by Due Process of Law.—“The State Wronged.”—Tyr-
 anny Charged.—The Democratic Plea.—The Legislature Had
 Acted.—No Authority to Dissolve.—“Taylor Had Never Ac-
 quired Title to Office of Governor Under Constitution.”—Fed-
 eral Jurisdiction Denied.—No Right to Review.—McQuown and
 Maxwell Heard for Beckham.—Bradley Speaks.—“Taylor’s
 Title Complete.”—Says the Fourteenth Amendment is Invo’ved.
 —Legislature’s Finding Attacked.—Appeared for Recognition.
 —“First Fight in the South for Civil Liberty.”

When the hearing of the arguments in the Kentucky govern-
 orship case was begun in the United States supreme court on
 April 30, 1900, the first presentation was made on behalf of Gov.
 Taylor by Helm Bruce, of Louisville.

He said that Gov. Taylor’s contention was for constitutional
 liberty, and that it was waged in a court of justice, not on a field
 of carnage, because in entering the union Kentucky had sur-
 rendered its rights of resistance. He came to this court on the
 basis of the principle laid down in a former opinion of the court,
 to the effect that the arbitrary exercise of power of government
 unrestrained by regard for private interests and justice could not
 be tolerated. Mr. Bruce reviewed the case at length upon its
 merits, contending that after the issuance of the certificates of
 election Gov. Taylor was as much the governor of Kentucky as
 any man who had ever been inaugurated for that office. He de-
 nied the legislative adjudication was any adjudication at all, con-
 tending that to oust Gov. Taylor by this process would be to
 deprive him of his office by despotic power, and not by due pro-
 cess of law. The proceeding was not by due process of law, as
 required by the constitution.

Referring to the contest before the Kentucky legislature, he
 said that the report of the committee on investigation presented
 no evidence and stated no fact, and that it was made to a secret
 meeting of the assembly, of which no republican member had
 been notified. In this connection he referred at length to the
 charge that the ballots used were thinner than required by law.
 If this was true, he said, the wrong was that of the state, if wrong
 had been committed. Surely one-third of the voters of the state
 could not be deprived of the right of franchise on such a plea.

Mr. Bruce contended for the jurisdiction of the federal su-

preme court under the constitution to review the case, quoting many precedents in support of this view. The Kentucky legislature had tried to exercise the power of appointment. This was tyrannical and not in anywise consistent with the prerogatives of the legislators. Mr. Bruce contended that even if it were true that Gov. Taylor had forfeited his right to notice of trial by prohibiting the use of the legislative hall, surely this could not be said in the case of Mr. Marshall, in the lieutenant governorship case.

The attorney contended that all but two of the grounds of contest had been practically eliminated. It had been confessed that there was no evidence in five of the ten counts, while of the remaining five three were so flimsy that they could not be insisted upon. The only two grounds remaining were:

The charges of thin ballots used in forty counties, or a third of the state, and of intimidation in the city of Louisville.

With reference to the first point it could not be contended that the state itself could deprive a portion of its own population of the right of franchise without due process of law. So also in Louisville and Jefferson county, where it was sought to disfranchise 36,000 voters, the wrong, if any, had been due to the action of the state executive. This was another instance in which it was sought to use the action of one branch of the government to prevent the exercise of a proper function. This was unjust, and could not be pleaded with any justice.

✦ ✦ ✦

Mr. Bruce was followed by Lawrence N. Maxwell of Cincinnati in Mr. Beckham's interest. He said that the constitution of Kentucky made the legislature the adjudicator in contests for state offices of that state. The proceedings in this case had been in accordance with the law under the constitution. There had been no authority as was claimed on the other side for dissolving the legislature by Gov. Taylor. Mr. Maxwell contended that the case presented no federal question and that therefore the federal supreme court had no jurisdiction. The Kentucky court of appeals had decided that Mr. Taylor had never acquired the title to the office of governor under the constitution and laws of the state. The decision was final and the national court had no part to play in the proceeding. As to the certificate of election from the state board of canvassers, it was merely a writing showing the returns of the election officers. It was no evidence of validity of title in view of the conclusion reached by the constitutional authority, which was the state legislature.

Mr. Maxwell quoted authorities on the point of jurisdiction, among them many Ohio cases. He remarked that in Ohio the right to hold office was held to be almost as sacred as the right to pursuit of happiness.

As to the ground of corruption in the Kentucky legislature, it was no denial of "due process of law" to deny the right of coun-

sel to charge it, as the state court had done. There was no right of this court to review a case because of this denial unless that right was conferred by the legislature, and this was not the case. In view of the fact that the case was merely a state question, Mr. Maxwell thought it unnecessary to consider the application to the constitution concerning the taking of property without due process of law. As a matter of fact that amendment could only be brought into requisition in a case where a right had accrued, and that was not true in this instance. The decision of the Kentucky court showed that Mr. Taylor had never held any title to the office claimed by him.

✦ ✦ ✦

Lewis McQuown also appeared for Gov. Beckham. He contended that, even if Mr. Taylor's claim to office was to be considered as property he was allowed "due process of law" under the Kentucky statutes, which practically, in their present form, had been in existence for almost a century. The state law required notice of a contest to the contestee and a reasonable opportunity to be heard. In this connection Mr. McQuown referred to the change made by the Goebel election law, requiring reports of committees in gubernatorial contest cases to be made to the legislature, but this provision was not different from the practice in fifteen or twenty other states. If, therefore, the law should be held invalid in the Kentucky case the laws bearing upon the question in those states also would be affected.

If the state had provided a proper mode of procedure, if the election law was constitutional, there could be no legitimate criticism of the method of application, and in that case the federal court was clearly devoid of jurisdiction. Error of that character could not give the court jurisdiction.

Mr. McQuown argued for the final and exclusive jurisdiction of the legislature in contests of this character. This was the rule, and it was intended that it should be when the constitution was adopted and the laws enacted. It would be possible in view of this fact to give the courts only concurrent jurisdiction.

Mr. McQuown also contended that the federal court had no right to investigate or question the motives of the legislature in its decision of the governorship case—no more right than it would have to inquire into the motives of congress in the enactment of any statute. He said that 150 witnesses had been heard by the contest board, more than 100 of whom had been introduced in Taylor's behalf. It was, therefore, to be presumed that the legislature had not only acted in good faith, but upon proper knowledge of the facts in the case.

The supreme court had in other cases decided that in case of abuses by the legislature of such trusts as that imposed in this instance the only resort was to the ballot, and not to the courts. He also considered at some length Gov. Taylor's action in adjourning the legislature to meet at London, contend-

ing that it was not competent for him to take this responsibility upon himself.

* * *

W. O. Bradley appeared for Gov. Taylor, taking up first the claim of the opposition that Taylor had never possessed any title to the office. He contended that Taylor's title was as good as that of any man who had ever held the office. This was the first contest that the state had ever had over that office, and this contest would never have had occurred but for what he characterized as the "iniquitous election law," known as "the Goebel law." He argued that Taylor's title was complete; that he was not only *de jure* governor, but *de facto* governor as well and that every step that he had taken as governor was legal.

On the point of jurisdiction he contended that the pending case was very similar to that of *Thayer vs. Boyd* of Nebraska, in which jurisdiction had been assumed. He met the argument of Gov. Beckham's counsel that an office was not property, by quoting authorities to the contrary. Arguing this point, he said that office was a species of property because it was a right of value—a privilege of citizenship of worth to any man.

It was one of the rights, or should come under the protection guaranteed by the fourteenth amendment to the constitution and therefore subject to review by the highest federal court.

No state could disregard the provisions of this constitutional provision, nor could any state legislature assume to be superior to it; nor is a state legislature alone bound to grant due process of law, but state courts must administer cases under the same authority. In a case like this governorship there was no such thing as an appeal to the appeal. The adjudication was necessary.

"And why appeal?" Mr. Bradley asked, with some apparent bitterness in his tone of voice. "If we appeal to the ballot," he continued, "is it not easier now to defy the expressed will of the people than it has been even in this case, when there has been such an open defiance to the expressed desires of the electors of the state?"

Under the state constitution the legislature was nothing more than a board of contest. This was a special power, and it was limited by the constitution. If this limitation was transcended, the act was tyrannical, and such, the speaker claimed, the act of the legislature in this case to be. He challenged the method of drawing the board, as some of the members of it themselves had contests pending, while another had laid a wager upon the result. On this account, according to precedents, the decision of the board must be held void, the members of the board being judges in their own cases. Furthermore, there had been no reasonable hearing nor sufficient notice. There also had been irregularities in the trial, and Taylor's friends had been refused the privilege of arguing the case. Seventeen hundred pages of testimony were taken, but there was not time allowed the legisla-

ture to read a word of it. Therefore the legislature had never really and legally determined the case. All this, ex-Gov. Bradley concluded, was denial of the "due process of law" guaranteed by the constitution.

The point also was made that the notice of contest had failed to state the ground of contest under the law. Hence the legislature had assumed a jurisdiction it did not have.

Ex-Gov. Bradley attacked the finding of the legislature in the case as irregular and therefore void. "And they have as much power," he said, "to bring back to life the body of Mr. Goebel as it has to put life into a transaction which is void."

He closed with an appeal for recognition by the court. Instead of bending the knee to the legislature the court, he said, should investigate their processes and see that they were in accord with the requirements of the constitution. The occasion was a momentous one, he said, for the people of Kentucky. This was the first fight which had been made south of the Ohio for the preservation of civil liberty by the processes of the courts, "and if we fail," he said, "it is liable to be the last. The same blighting influence of arbitrary power is sure to go farther and extend to other states if there is not some supreme tribunal to which the people can come with assurance of such recognition as will guarantee the preservation of their privileges and immunities. If we fail here, our condition is pitiable, indeed, for an appeal to the ballot box will be in the face of that failure more worthless in the future than it has been in the past. Our bill of rights, though written in the blood of martyrs, will be worthless to us if the agencies given to us for our protection turn upon and betray us. We make our last appeal to you, but in so doing we look beyond to that eternal principle of justice which we know should and does regulate the affairs of men."

When Mr. Bradley closed the court took a recess until May 14th, when it was expected a decision would be handed down but the members met on that date and adjourned without giving out the slightest inkling of their intentions.

CHAPTER XLIII.

THE CULTON EXAMINATION.—Startling Testimony Given.—Dr. Johnson's Nitroglycerine Idea.—Steel Bullets Exhibited by Youtsey.—Bradley's Earnest Counsel.—Jim Howard Quoted.—“Don't Ask Any Fool Questions.”—Youtsey Wanted an Alibi.—A “Slick Scheme.”—Gov. Taylor Insisted Upon a Correction From Youtsey.—Burton's Incendiary Statement.—Excitement Over the Vanmeter-Berry Contest.—The Bullet Hole in the Hackberry Tree.—Civil Engineer's Measurements.—An Autopsy Reported.—Bullet Entered in Front.—Jack Chinn's Story Retold.—Saw a Window Raised.—Chinn Denies That He Did the Shooting.—Witness Who Saw a Rifle at a Second-story Window.—A Colored Barber's View of Youtsey's Actions.—Panic in the Executive Building.—Scenes Inside When Shots Were Fired.—Gov. Taylor's Secretary Tells of Youtsey's Vigil at a Window.—Caleb Powers Complained of an Unwelcome Visitor.—George Denny Quoted by L. C. Norman.—What Was in the Secretary of State's Office.—Gov. Taylor's Horror.—Telegrams Sent on the Morning of the Murder.—Wharton Golden Testifies Again.—Treasurer Day Tells of a Proposition.—Culton Denied Bail.

In the examination of W. H. Culton, in his application for bail before the Franklin circuit court, the defendant was put upon the stand. He proved an apparently very frank witness, and at the same time one who could not be led into broad statements by the counsel for the prosecution. His testimony was decidedly startling, and seemed to indicate that there had been a strong tendency among some republicans toward violence against Senator Goebel.

In answer to questions he said he had no connection whatever with the shooting of Senator Goebel. When the shooting took place he was in the lobby of the house, where was also Berry Howard. He first learned of the affair while sitting in the lobby, and went to the adjutant general's office after hearing that Goebel had been shot. He was shocked by the news. He told of his arrest. He knew all of the indicted persons, except Green Golden.

Culton admitted to the prosecution that he had brought men from Jackson county to Frankfort at Gov. Taylor's request. The men were to be witness in the contest cases. About 25 men were brought by him, and he was present later at a conference between Caleb Powers and Messrs. Cecil, Davidson, Hamp Howard and Vanzant, where the bringing of additional men from the

mountains was discussed. He said the men were to come armed. Culton denied knowledge of any arrangement to go into the lobby of the senate and then kill enough democratic members and Goebel to leave the republicans in the majority. He had never heard any one specified as going to be killed. What he had heard was that about the time of the Vanmeter-Berry contest, a meeting was held to provide backing for Berry to help him retain his seat if he was declared unseated and did not want to give up. He denied having ever said "Goebel and six of his gang would wake up dead some day." Culton told of remarks made by one Dr. W. R. Johnson, who had expressed a desire to shave off his mustache and get to Senator Goebel's room and blow up Senator Goebel with nitroglycerine. Culton had told Johnson that this would ruin the whole matter and cause a lot of trouble.

The defendant knew Youtsey, who, he said, had exhibited to him several days before Goebel's death cartridges, said to contain smokeless powder and steel bullets. These, said Culton, Youtsey said were intended to kill Senator Goebel. After the shooting Culton had asked Youtsey where the bullets had been procured, and suggested that if it was true that Goebel was killed with such a bullet it would cause trouble. Youtsey had stated that the bullets had been procured in Cincinnati, but that it would not be found out. When Youtsey had first shown the bullets, Culton had said: "Youtsey, you can not afford anything like that, and you must not under any circumstances. If you talk to any of the leaders of the party about it they will advise you not to do it." He also stated that he heard afterward from Gov. Bradley that there was talk that Senator Goebel was to be killed, and Bradley said: "By God, it must not be done!" Bradley had asked Culton to see that the idea was done away with, and Youtsey, when approached, said that the idea had been done away with. Culton had told no one about the matter. After Senator Goebel's death he mentioned the cartridge incident to Gov. Taylor. The latter then remarked that Youtsey must be a dangerous man to get in trouble, and there was no telling what he might tell about the matter.

Coming down to his suspicions concerning the man who fired the shot, Culton related a conversation he had with Jim Howard a few hours after the shooting on the capitol grounds. Culton was surprised to see Jim Howard on the scene, not having seen him before. Culton continued:

"We walked over to the secretary's office, and walking over there I pointed to one of the upper story windows and said: 'There is where they say Senator Goebel was shot from,' and Jim turned around and asked me if I saw a slat off the iron picketing around the state house, and I told him I did. I said, 'What about it?' and he said, 'You are a sensible man; you need not ask any questions.' And we walked on a little bit and up about the house, about the right-hand wing of the state building to-

ward entering the office, and he put his hand in his pocket and pulled out some cartridges, and held one and said: "That is a 45-pistol cartridge." And he put that back in his pocket and pulled out another, and said: "That is a 45-Winchester smokeless." I said, "What about that?" He said, "Don't ask me any fool questions." I said, "What makes you say that?" He laughed and said: "Well, they tell me Jack Chinn is a brave man, but I never saw any one put up such a race of running as he did after that shot was fired." And he also said Senator Goebel and Jack Chinn were in the house back of Kagin's before they walked up in the state house yard, and I asked him how he knew it, and he said not to ask him any questions, and I didn't ask him any further questions, and left."

Culton said that he had not carried any message to the adjutant general's office on the morning of the assassination, but believed that a day or two before, while the Vanmeter-Berry contest was pending, that he took word from Gov. Taylor to Assistant Adjutant General Dixon from Gov. Taylor to have the company at the arsenal ready to march at a moment's notice.

Further on he told that Youtsey did not seem to be able to account for his whereabouts about the hour of the shooting of Senator Goebel, and had suggested locating himself with Culton. Youtsey said that at the time of the shooting he was going down the basement stairs in the executive building. Youtsey was also worried about Grant Roberts' gun, which was missing from the place where Roberts kept it in the auditor's office, and Roberts was accusing Youtsey of having taken it. Youtsey declared that he had replaced the gun and that it was all right.

Another scheme was proposed, Culton said, by Youtsey, who brought one E. V. Burton, of Breckinridge county, sheriff of that county. Culton protested against the idea. Youtsey said it was a "slick scheme." "We can kill him from the secretary of state's office, can pull down the blinds over there and kill him. I have a cartridge here to do it, and we can go down into the basement and walk out through the basement, and no man will ever know where it is shot from, and we can get away."

To this suggestion by Youtsey, Culton had replied that he did not think it should be done, and that it would be the worst thing that could happen. Burton had then said: "If you are still talking that way, I am going home." Burton had since died.

As to the men coming armed from the mountains, Culton said Caleb Powers had said in the conference with Cecil, Hamp Howard and others, that he wanted "to bring a crowd of men down there, and they would just give the legislature so many minutes to settle the contest cases, and if they didn't do it they would go to work and clean up the whole — business."

Culton also related that Gov. Taylor had suggested to him that Youtsey be induced to leave the state, Taylor to provide his expenses, but Culton had refused to undertake this, saying he wanted nothing to do with it.

After a nights sleep, court having adjourned before the long and exhaustive examination of Culton by the prosecution had been completed, Culton resumed the stand. He was now able to remember a conversation he had with Youtsey in the presence of Gov. Taylor. He had gone with Youtsey to see Taylor. Youtsey had told Culton that Gov. Taylor told him to leave. When this was reported to Gov. Taylor by Culton the governor denounced it as false, and had Culton bring Youtsey to him. Youtsey, when this was done, stated that Gov. Taylor had not asked him to leave the state, but that some one else had.

On redirect examination Culton said that at the conference at which he presided, and Caleb Powers, Howard, Burton and others were present, the subject under discussion was the bringing of witnesses to Frankfort, and no such thing as murdering Goebel was mentioned or thought of. When Burton arose and exhibited a cartridge and made an incendiary statement, every other man there protested against the language. All the men he (Culton) had brought came as witnesses, and under subpoenas signed by Chairman Hickman, of the contest boards. He told of a conference at Lexington, at which he was present, with Caleb Powers, but it was in relation to the Vanmeter-Berry contest. It seemed to be the sentiment in Lexington that Berry should resist being unseated, and that he should have backing. Culton stated that he had never been given a pardon by Gov. Taylor, but that some one had asked him if he wanted a pardon, and he had replied that he needed none.

✦ ✦ ✦

Several witnesses were introduced for Culton, who said that the men he had taken to Frankfort were among the best in Jackson county.

Miss Sallie Jackson, of whom Culton and his wife rented a house at Frankfort, testified that she had warned Senator Goebel of danger during Mr. Bryan's visit, and that she had done so on Mrs. Culton's authority. Mrs. Culton had said to her: "I want you to warn them," but did not mention any names. On the morning of the shooting Mrs. Culton had referred again to the warning.

D. Meade Woodson, a civil engineer, furnished a plot of the state house grounds. He is the man who sawed the block out of the hackberry tree that was said to contain a bullet. Woodson said that an iron pin stuck in the bullet hole in the tree pointed toward the executive window. An air line from the bullet hole to the executive building met with no obstruction to one of the windows in the secretary of state's office, nor to the steps at the west entrance to the executive building. Woodson said that as he left the grounds with the block wrapped up a soldier asked him to take the package up to his office and open it, but Woodson refused.

This witness testified that the bullet in the tree was about 38 or 40 calibre, and had entered straight, being deflected after it

struck a knot. The block had been split with a hatchet to reveal the bullet.

Dr. T. R. Welch, of Nicholasville, a democratic member of the legislature, testified that he had conducted a post mortem examination of Senator Goebel's body with Drs. Hume and Ely, of Frankfort, on February 6. He said that the bullet had entered in front and broken the sixth rib, coming out in the back to the left of the spine. He said the direction of the bullet's course was shown by particles of bone scattered along through the wound. The entrance wound was greatly bruised and discolored. The exit wound was clean. Dr. Welch thought the wound was made by a 38 calibre ball. The coroner of Franklin county had requested him to make a post mortem examination.

Dr. James Ely also testified to the same effect. He said that there was no material difference in the size of the wounds in front and in the back. He said that the holes in Senator Goebel's coat also showed the direction of the bullet, the nap being pushed inward in front and outward at the back. The hole of entrance in the front of the coat was clean. He said that the hole in Senator Goebel's breast was a little above the divided rib in death, which he accounted for by the belief that Senator Goebel when shot was making a full respiration, the rib dropping below the hole in the flesh, with the lungs in repose.

* * *

Jack Chinn was put on the stand to tell what he knew of the shooting of Senator Goebel. He repeated substantially what he had stated before. He said he saw the east window of the secretary of state's office raised about 18 inches, and thought that the shot came from that direction. He saw no person nor any smoke, but the sound of the shot was from that direction. The first shot was clear and sharp, like one made by a rifle. The others were dull, as if fired in the building.

The commonwealth took occasion to ask Col. Chinn if he had shot Goebel. He had not, he said. He denied that he had a pistol in his hand. He had reached for his pistol, but had not drawn it after the shots were fired.

Ed Steffey, called for the commonwealth, said he was standing leaning against the third post from the right in front of the capitol, and was looking at Senator Goebel when he was shot. This witness said the shot sounded as if coming from the executive building, and when he looked that way saw the barrel of a gun being drawn into one of the windows, which he took to be the third window from the west corner of the second story, although it might have been the second one. He could see a little smoke rising over the window after the shot.

Wade H. Watts, a colored barber, was examined by the commonwealth. He said he had noticed Holland Whittaker about the building, beginning with January 16. Whittaker wore one or two pistols, and was often intoxicated. Whittaker said he had come to protect Gov. Taylor. He had never seen Youtsey talk-

ing to the mountain men. On the morning of the shooting Youtsey had come through the barber shop. (It is in the basement of the executive building.) Youtsey cried: "My God! What is all that shooting?" This was very close after the shots were heard. Youtsey did not stop, but went up the steps, saying: "The thing is up at last," or something to that effect. Watts also detailed some threatening conversation he had heard in the barber shop among a number of persons.

F. M. Hurst, of Millersburg, another witness for the commonwealth, was in the insurance commissioner's office with Commissioner Stone, Mr. Burnam, of Paris, and the yellow elevator boy, and a clerk or two, when the shots were fired. A rush was made to the windows, and he saw a man down on the walk. When the crowd poured out of the capitol building some of the men looked up at the window, as if believing that the shot or shots came from that place, and this caused some alarm in the office. Then came the news that Senator Goebel had been shot, and also a rumor that the building was to be mobbed. Several proposed taking up guns for defense. The persons in the office appeared horrified, with the exception of the elevator boy, who had gone down and brought up the news that it was Goebel that had been shot. Several hours later some one brought up a gun. Then Hurst left. This witness said he was positive that none of the shots were fired from the insurance commissioner's office.

McKenzie R. Todd, private secretary to Gov. Taylor, was called as a witness, and described peculiar actions by Youtsey. He had seen Youtsey in the secretary of state's office with a gun on the day of the Vanmeter-Berry contest. The witness had entered the premises and encountered three men armed with shot-guns, who said that trouble had started in the legislative hall. He passed into the reception room, and Treasurer Day notified him that Youtsey was in the secretary of state's office acting in a strange manner. Youtsey was noticed to be there with a gun. A few moments afterward Todd met Caleb Powers, who complained that Youtsey was acting "very funny" in his office, and that he was not wanted in there. Powers asked Todd to go in to talk to Youtsey, and Todd did so. Youtsey was at a window with the gun, peering out through a space where the window was up six inches. The curtain was drawn over this window, but not over the others. "What are you doing there with that gun?" Todd asked Youtsey. "There is trouble up there," Youtsey replied, pointing to the legislative building. Todd saw no signs of excitement, and remarked that the legislature had adjourned. Youtsey then said he did not want to start any trouble, but that if trouble started "you don't know." Todd asked him if he meant that he would shoot them when they rushed out of the building, and Youtsey said merely: "I am not going to start trouble." Todd said: "If you would shoot out of that window it would ruin the party, and would ruin everybody in here." Caleb Powers added his voice, saying: "That is right; that will never do." On the

Monday before Goebel was shot, Powers called to him, stating that Youtsey wanted to get into his office, and that he did not want him in there, and asked Todd to go out and talk to him.

Todd then related what happened in the big reception room between the secretary of state's office and the governor's office on January 30. Present were Capt. John Davis, Mr. Matthews, John Davis of Newport, Mr. Hemphill, R. N. Miller and W. J. Davidson. Capt. Davis had just brought in the mail when the shots were heard. Davis then remarked: "War is on," or something to that effect. Todd says he left the room, and when he returned Youtsey had come in. The door to the secretary of state's office had been broken open.

Ex-Auditor L. C. Norman said that a few days before the assassination he was on a train between Lexington and Frankfort and heard a voice, which he recognized as George Denny's saying: "Somebody ought to kill that man Goebel." Denny was talking to some man. Norman informed Goebel of this incident. He explained that he did not think that a man of Denny's standing would contemplate such an act, but believed that his words might inspire some one more rash to perform it.

J. B. Matthews, of Somerset, who was one of those in the reception room when the shooting of Goebel took place, said that after the shots were heard Youtsey came in with a revolver in his hand, appearing very excited. He asked, "What is the matter? Where is that shooting?" and passed on. Gov. Taylor emerged from the governor's office with a little pistol in his hand, asking some one to go out and see what was the matter. Matthews went out and found that Senator Goebel had been shot. When he returned to the room there was great excitement prevailing there. It was reported that the building was to be mobbed, and some one suggested arming. It was then said that there were guns in the secretary of state's office, but the door was found to be locked. It was attacked with a hatchet and lumps of coal unsuccessfully, and then Matthews went through the transom and opened the door from the inside.

Matthews stated that he found three guns in the room—one Winchester rifle, one Spencer carbine and one magazine rifle. He examined all the rifles. He was sure that the Winchester and the Spencer had not been fired. The magazine rifle was a Marlin. He was not certain that it had not been fired. He did not see the Marlin after he passed it to some one in the crowd. Matthews said the west window in front was up four or five inches. Since that time Youtsey had remarked to him that Eph Lillard's claim that the east window was up 18 inches was untrue, and that it was down and locked. Matthews made the statement to the court that the west window was the only one that was raised, and he had lowered it after admittance to the room had been gained.

The examination connected with the motion for bail for W. H. Culton endured several days. On the last day, Saturday, May 5, the managers of the Frankfort telegraph offices were com-

pelled to bring into court telegrams sent and received at Frankfort by W. S. Taylor, John and Caleb Powers, W. H. Culton and others. Brief telegrams signed by Adjutant General Collier calling the militia, and others signed by George Denny calling for men had been filed promptly after the shooting of Senator Goebel. Culton had no connection with the telegrams brought into evidence.

Constable H. D. Harrod, of Frankfort, testified that he entered the executive building a few minutes after Goebel was shot. Pushing open the door to the secretary of state's reception room he sought to enter, but the door was closed in his face. He pushed it open again, only to look into the muzzle of a big pistol. Five men, all with pistols, came out of the room. He said he wanted to see Mr. Davis, but the men said nothing at all, but looked at him as if waiting to retire. He took the hint, and they solemnly walked by his side till he stepped out of the premises, using no violence. He did not know the men. None of the men was any of the defendants. He thought he saw a man come out of the back entrance of the secretary of state's office and go under the stairs in the hall. Sheriff Suter told of unsuccessful attempts to find Caleb Powers and John Davis upon application at the capitol grounds on March 10.

F. Wharton Golden was called and repeated substantially his testimony given at the Caleb Powers examining trial. He claimed that it was the intention of the men from the mountains to start a row in the legislature, and that Goebel should not escape. He also mentioned South Trimble as a possible victim, and said the judges of the court of appeals were threatened by some. He said that Culton had told him, "The man who killed Goebel was so drunk he could hardly stand up." This witness also stated that Caleb Powers suggested to him a plan whereby a half dozen men could go to the Capital hotel, raise a dispute over politics, and kill Goebel in the melee. Powers had told him this during a chat in the cemetery. Powers had also expressed the opinion that Gov. Taylor would pardon the men that killed Goebel. Golden also claimed that Gov. Taylor said to him in a conversation, at which Capt. Davis was present: "Golden, it is horrible about killing a man, but Goebel and that gang, it looks like they are bound to be killed before anything can be done for our men elected to office."

Golden testified that there were 200 or 300 guns* in the executive building.

On cross-examination Golden was asked why he appeared as a witness, and why he was not arrested like other persons indicted. Golden claimed not to know whether the indictment against him would be dismissed.

* * *

George R. Hemphill, who was a clerk in Secretary of State Finley's office, said that he saw Youtsey in the secretary of state's office on February 28 with a rifle in his hand. Youtsey

made demonstrations with the rifle, pointing it out of the window, stating that there was going to be a row in the house, and that he was going to shoot them as they came out. No row occurred, however, and Youtsey went out. On the day of the Goebel shooting Hemphill, with M. R. Todd and R. N. Miller, was in the secretary of state's office, when they heard shots. Youtsey came into the office, apparently much excited. He was asked what was the matter, and replied that Goebel had been shot. Youtsey came in from the hall through the ante room. Gov. Taylor came out of his office, asking what was the matter, and when told, cried: "My God! That is awful! My God, that is awful! My God, that is horrible!"

Several minutes after the shots were fired an effort was made by some of those in the room to get into the secretary of state's private office, but the door was locked. It took 15 or 20 minutes to get the door open. An effort was made to break the door open with a hatchet, but it failed, and Mr. Matthews, who had come in with several others, climbed over the transom and unfastened the door.

State Treasurer Walter Day testified that Youtsey approached him with these words: "If I can get \$300 I can settle this matter." Day inferred from his conversation that there was nothing good about it, and abruptly ended the interview. Youtsey refused to say how he would settle it.

† † †

Culton, recalled, denied flatly part of Golden's testimony, especially that in which which Golden quoted him as saying that the man who shot Goebel was so drunk that he could not stand. Culton said he had no such conversation whatever.

Judge Cantrill refused Culton bail, and set his case for September at Frankfort.

There was some comment upon the turn the testimony had taken. The republican witnesses seemed particularly severe upon Youtsey, there being apparently no desire to cover over his peculiar actions. As for Culton, he was held over principally upon the testimony of witness Park, who claimed that Culton had said in the Louisville jail: "I am not so deep in this thing as they think I am."

The hand of the defense in the various cases was again not exposed. The attorneys were evidently waiting for the final trials before showing exactly what line they would take.

JOURNALISTS WHO WERE FACTORS.



NOTED KENTUCKY EDITORS.

1.—Richard W. Knott, Evening Post, Louisville. 2.—Urey Woodson, Owensboro Messenger. 3.—Henry Watterson, Courier-Journal, Louisville. 4.—W. C. P. Breckinridge, Morning Herald, Lexington. 5.—Sam J. Roberts, Leader, Lexington.

CHAPTER XLIV.

"A HOLY WAR."—Keynote Uttered by the Republicans in State Convention.—Taylor and Bradley Delegates to National Convention.—Gov. Taylor Breaks Down Before a Multitude.—"To the Sacred Cause of Human Liberty I Swear Eternal Vigilance."—Taylor "Hounded With a Venom Which Would Do Credit to a Rattlesnake."—Democrats Enlisted in the Fight.—The Platform.—Bradley Indorsed for Vice President.—Assassin of Goebel Denounced.—"A Free Ballot, to Remain Counted as Cast; and Equality Before the Law."

It so happened that the republicans held their state convention in Louisville on May 17, and they made it the occasion for a condensation of indignation and forcible expression that was notable for vehemence. All that was to be done was to select delegates to the national convention.

Gov. W. S. Taylor, ex-Gov. W. O. Bradley, George Denny and W. A. Gaines (colored) were chosen delegates-at-large. Mrs. W. S. Taylor was chosen honorary delegate. The meeting was heavily attended and the delegates were unable to bring themselves to work without giving relief to their feelings in a discussion of the party's position in the state. National topics were given brief attention and all the pent-up eloquence of the speakers was devoted to the more vital state issues.

Chairman Barnett, in calling the meeting to order, said that the platform could be written in one sentence, "A demand for a free ballot, to remain counted as cast, and equality before the law."

Gov. Taylor entered the convention with his wife and his six daughters. The convention burst into frenzy of enthusiasm. With his voice choked by sobs, Gov. Taylor made an emotional address, every sentence of which was cheered. His words followed the one thought, "We have all suffered and toiled together in the cause of human liberty, and to that sacred cause, for you, for our children, and for God and our state, I now swear eternal allegiance." He said it should be made a Holy War.

Bradley lashed right and left with a tongue of bitterness that made the blood of his hearers boil. When he said: "I stand here to denounce in unmeasured terms the assassin who shot down Senator Goebel," the crowd cheered. Then he said of Gov. Taylor's enemies: "They have hounded and pursued him with the venom that would do credit to a rattlesnake. The assassin of human life is mean. The assassin of character is meaner. But the meanest of them all is the man who tramples upon the will of the people for the purpose of seizing an honor to

which he was not chosen." He said the day would yet come in Kentucky when those who now revelled in the fruits of ravaged liberty would curse the day that gave them now such shallow delight.

W. H. Yost, R. W. Knott and Marmaduke Bowden, democrats of strict party standing before '96, were introduced to the convention and pledged their fortunes with the republican party until such time as the current local issues were eliminated for good and all. Bradley was indorsed for vice president, Gov. Taylor was indorsed, President McKinley was indorsed, but the main planks in the resolutions demanded the repeal of the Goebel law and denounced the course of the legislature. The assassin of Senator Goebel was denounced.



CHAPTER XLV.

TAYLOR LOSES IN THE SUPREME COURT.—Writ of Error Dismissed.—Decision on the Ground of No Jurisdiction.—Kentucky Court of Appeals' Decision Affirmed.—Chief Justice Fuller's Opinion.—Justice Harlan, Kentuckian, Dissents With a Scathing Arraignment of the Legislature.—Taylor at Last Surrenders Claim to Authority.—Gov. Goebel's Grave Decorated.—Another Election in Prospect.—Now for the Hottest Campaign of All.

Before a hushed, expectant throng at Washington on Monday, May 21, 1900, Chief Justice Melville Fuller read the decision of the supreme court of the United States in the Kentucky case.

Then there was a hurried movement to the door. It was over.

The court decided in favor of Beckham, affirming the decision of the court of appeals of Kentucky for lack of jurisdiction to interfere in any way.

Chief Justice Fuller, Justices Gray, White, Shiras and Peckham joined in the majority of opinion. Justice McKenna dissented from the reasoning, but concurred in the judgment, saying only that he was not prepared to say that a public office is not property.

Justice Brewer, Justice Brown concurring, dissented from the finding, holding that the judgment of the lower court should have been affirmed, instead of the case being dismissed.

He held that the supreme court had jurisdiction, and that the legislature had acted legally when it had ratified its action in public session. He said he did not ignore the many allegations of wrong made, referring particularly to the "curious result" of the drawing of the contest committees. Justice Harlan, a Kentuckian, dissented wholly from the others.

* * *

Chief Justice Fuller, after reviewing the facts in the case, said: "It is obviously essential to the independence of the states and to their peace and tranquillity that their power to prescribe the qualifications of their own offices, the tenure of their offices, the manner of their election and the grounds on which the tribunals before which and the mode in which such elections may be contested, should be exclusive and free from external interference except so far as plainly provided by the constitution of the United States and where controversies over the election of state offices have reached the state courts in the manner provided and have been determined in accordance with state constitutions and laws the case must necessarily be rare in which the interference of this court can be properly invoked."

The chief justice then reviewed authorities and continued :

"The grounds on which our jurisdiction is sought to be maintained in the present case are set forth in the errors assigned to the effect in substance :

"First—That the action of the general assembly in the matter of these contests deprives plaintiffs in error of their offices without due process of law.

"Second—That the action of the general assembly deprives the people of Kentucky of the right to choose their own representatives secured by the guarantee of the federal constitution of a republican form of government to every state, and deprives them of their political liberty without due process of law. * * *

"The highest court of the state has often held, and in the present case has again declared, that under their constitutional provision the power of the general assembly to determine the result is exclusive and that its decision is not open to judicial review. (Authorities quoted here.)

"The statute enacted for the purpose of carrying the provision of the constitution into effect has been in existence in substance since 1799, and many of the states have similar constitutional provisions and similar statutes.

"We do not understand this statute to be objected to as in any manner obnoxious to constitutional objection, but that plaintiffs in error complain of the action of the general assembly under the statute and of the judgments of the state courts declining to disturb that action.

"It was earnestly pressed at the bar that all the proceedings were void for want of jurisdiction apparent on the face of the record; that under the constitution and statute as there was no question of an equal number of votes or of the legal qualifications of the candidates, the action of the general assembly could be invoked only by a contest as to which of the parties had received the highest number of legal votes, but that the notices put forward a case, not of the election of the contestants, but of no election at all, which the contest boards and the general assembly had no jurisdiction to deal with.

"The notices were, however, exceedingly broad and set up a variety of grounds and specifically stated that the contestants would ask the board of contest and the general assembly to determine that they were legally and rightfully elected governor and lieutenant governor at the said election and the contestees were not. And the determination of the board and of the general assembly was that the contestants had received the highest number of legal votes cast for any candidate for said offices at said election and were duly and legally elected governor and lieutenant governor, a determination which adjudged the notices to be sufficient and which *did* not include any matter not within the jurisdiction of the tribunal. * * *

"It is clear that the judgment of the court of appeals in declining to go behind the tribunal vested by the state constitution

and laws with the ultimate determination of the right to these offices, denied no right secured by the 14th amendment." The chief justice also said it was clear that public office is not property.

After quoting section 4, article 14, of the constitution, in which the United States guarantees to every state a republican form of government, etc., the court says it was long since settled that the enforcement of this guarantee belonged to the political department.

In the decision, after quoting favorably from the Rhode Island case of *Luther vs. Borden*, Chief Justice Fuller said: "The commonwealth of Kentucky is in full possession of its faculties as a member of the union and no exigency has arisen requiring the interference of the general government to enforce the guarantees of the constitution or to repel invasion, or to put down domestic violence. In the eye of the constitution, the legislative, executive and judicial departments of the state are peacefully operating by the orderly and settled methods prescribed by its fundamental law, notwithstanding there may be difficulties and disturbances arising from the pendency and determination of these contests. This very case shows that this is so, for the parties who assert that they are aggrieved by the action of the general assembly, properly sought the only appropriate remedy, which, under the law, was within their reach. That this proved ineffectual, even though their grounds of complaint may have been in fact well founded, was the result of the constitution and laws under which they lived, and by which they were bound. Any remedy beside that is to be found in the august tribunal of the people which is continually sitting and over whose judgment on the conduct of public functionaries the courts exercise no control.

"We must decline to take jurisdiction on the ground of deprivations of rights embraced by the 14th amendment, without due process of law or of the violation of the guarantee of republican form of government by reason of similar deprivation."

* * *

Justice Harlan, in his dissent, quoted various authorities and said: "Notwithstanding these adjudications, the decision today is that this court has no jurisdiction to inquire whether the citizen has been deprived without due process of law of an office held by him under the constitution and laws of his state. * * *

"When the fourteenth amendment forbade any state from depriving any person of life, liberty or property without due process of law, I had supposed that the purpose was to guard citizens against being deprived of any legal right in violation of the fundamental guarantees that inhere in due process of law.

"But it seems that under our system of government the right of a citizen to exercise a state office to which he has been lawfully elected by the people may, so far as the constitution of the United States is concerned, be taken from him by the arbitrary

action of a state legislature in utter disregard of the principle that Anglo-Saxon freemen have for centuries deemed to be essential to the requirement of due process of law. I cannot assent to this interpretation of the fourteenth amendment. * * *

"It is to be regretted that a case like this should be the occasion of a departure from principles heretofore announced and acted upon by this court. Looking into the record of this case I find such action to have been taken as was discreditable to the body claiming to be the legislature of Kentucky, and which assumed to be acting in accordance with law. It openly and defiantly trampled upon the will of the people expressed at the ballot box. It struck at the very foundation of 'liberty regulated by law.' I found also that the regulation of the body of gentlemen claiming to be the Kentucky legislature was purely arbitrary because made without looking at all into the evidence. It is not a pleasing thing to say, but I feel constrained from a sense of duty to say that the action of that body was such that it ought not to be respected in any court as a judgment upon the question involving important rights, submitted to it for decision, but as action taken wholly outside of all law, and in contempt of the constitutional rights of freemen to select their rulers. The record justifies the belief that that body was wholly indifferent as to the nature of the evidence and that there was a fixed purpose on its part to put Goebel into office and oust Taylor, regardless of the proof in the case. If any regard whatever had been paid to the evidence no conclusion favorable to Goebel could have been reached on any ground upon which the board of contest or the body calling itself the legislature had jurisdiction to determine the contests."

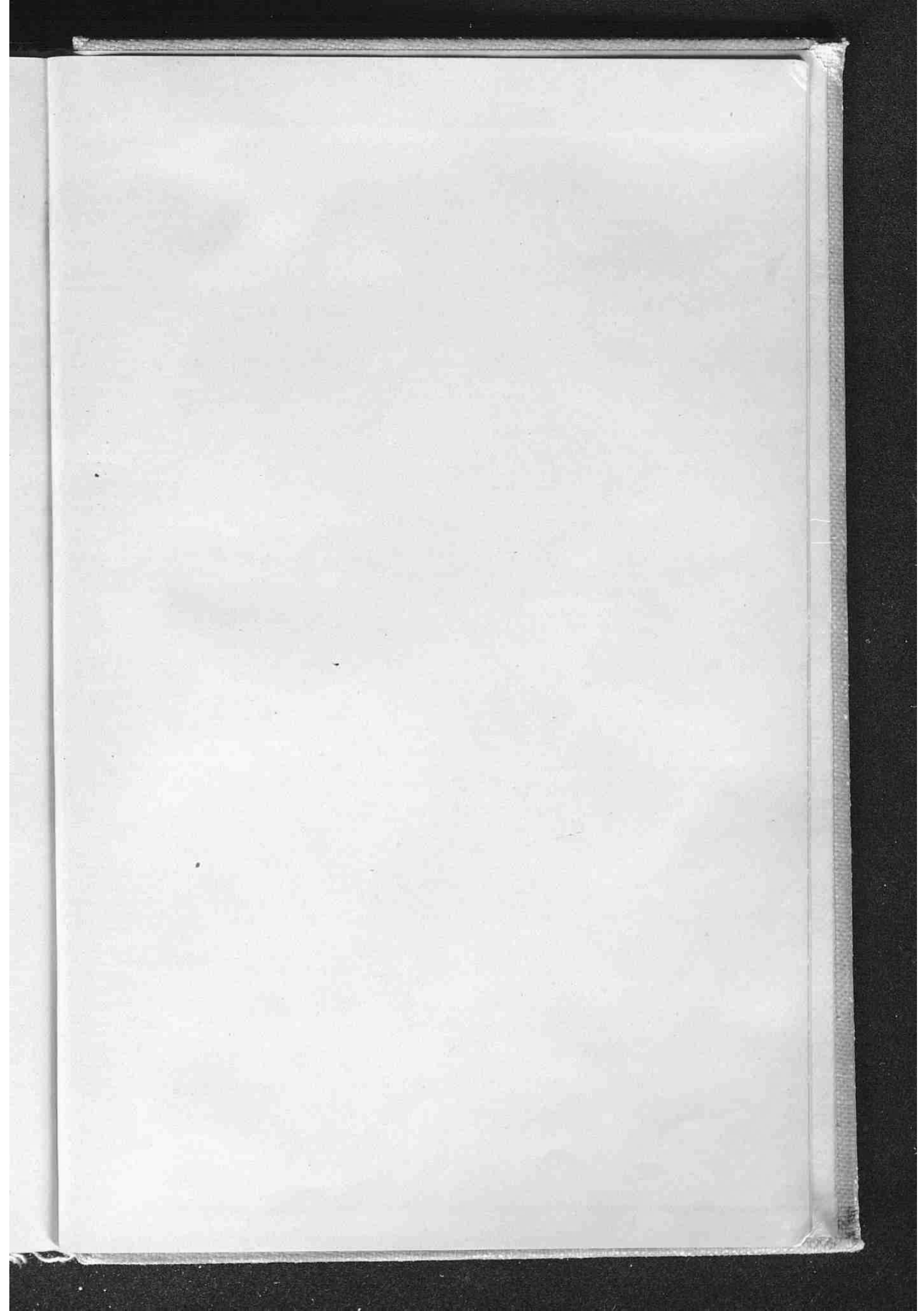
He announced that in his opinion the judgment should be reversed.

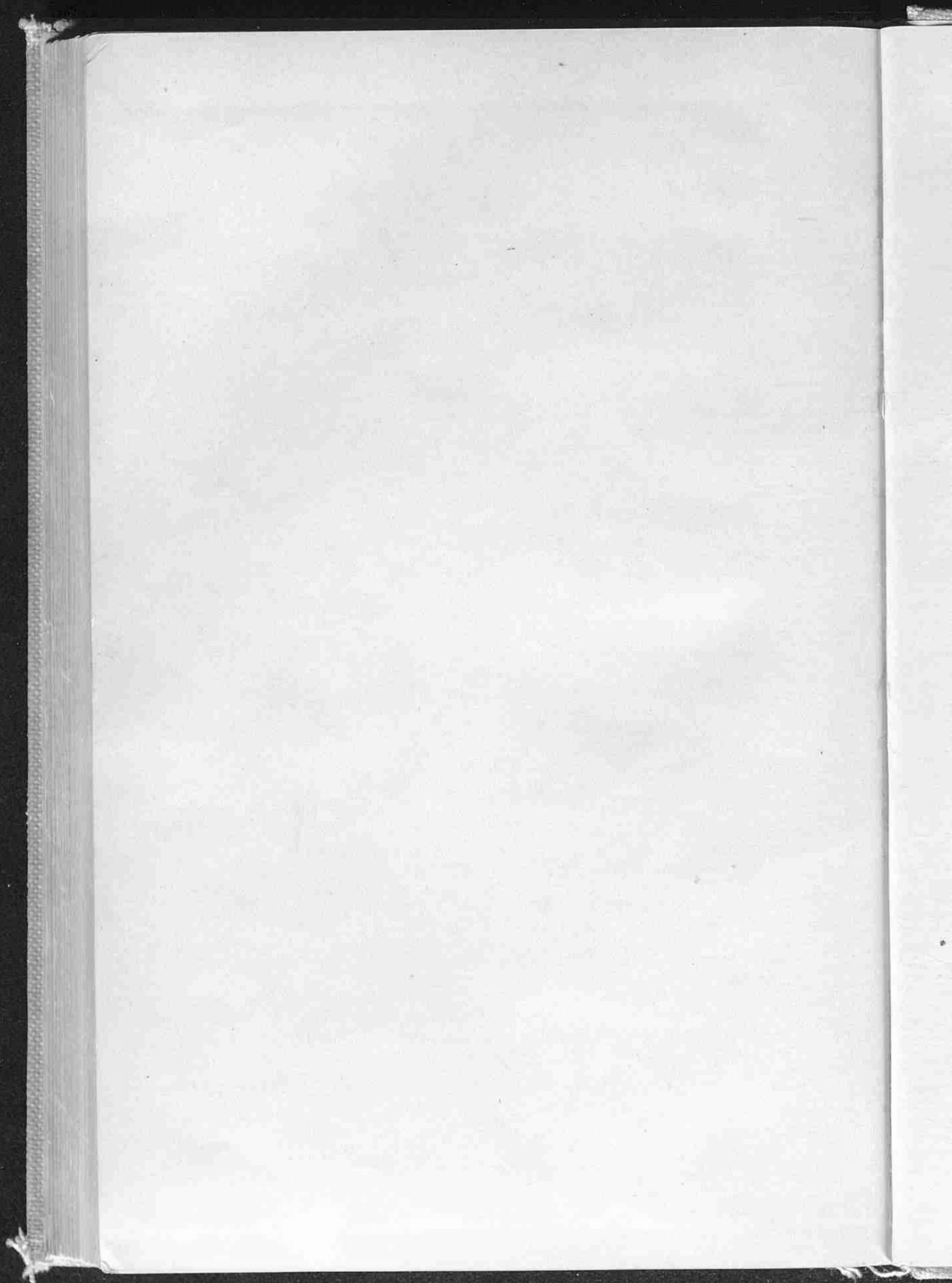
* * *

In Kentucky the news was received with greatly conflicting emotions. Gov. Taylor awaited the verdict at Louisville, as did Gov. Beckham. Gov. Taylor wired at once to Adj. Gen. Collier to dismiss the militia on guard at the state house and to surrender his office to Gov. Beckham's adjutant general. The republicans talked at once of renominating Taylor for governor for the remainder of the unexpired term at an election which they declared must take place in November, 1900, under a provision in the constitution.

Ex-Gov. Bradley stated that a petition for a rehearing would be filed. This involved a remote hope among some republicans for a change of the result.

At Frankfort, as well as at other places, there was a demonstration by the Beckham soldiery and local admirers. Many went to the cemetery and decorated the grave of Gov. Goebel with flowers.





976.9

H874

W12265

*
F
451
1489
1900
copy 2

