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**SPECIAL REPORTS**

—ON—

**ROWAN COUNTY AFFAIRS,**

**BY SAM. E. HILL, ADJUTANT GENERAL,**

—AND—

**CAPTAIN ERNEST MACPHERSON,**

**TO THE GOVERNOR OF KENTUCKY.**

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**PROPERTY OF THE STATE OF KENTUCKY.**

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**FRANKFORT, KY.:**  
**CAPITAL OFFICE, JOHN D. WOODS, PUBLIC PRINTER AND BINDER.**  
**1887.**

## REPORT OF SAM. E. HILL, ADJUTANT GENERAL.

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FRANKFORT, KY., November 22, 1887.

*His Excellency*, S. B. BUCKNER, *Governor of Kentucky*:

DEAR SIR: In obedience to your order of the 16th instant, directing me to visit Rowan county and investigate the condition of affairs there, as well as the troubles which have existed there for several years past, and report what, in my opinion, is necessary to be done or omitted in order to insure permanent tranquillity to the people of said county, I have the honor to report that I proceeded to Morehead on the evening of the 16th instant, remaining there two days, where I met and talked with many of the citizens of both town and county, representatives of all parties and factions, the confidence of all of whom I freely invited, and which was, in almost every instance, as freely extended. I am gratified at being able to report that peace and quiet now prevail there, and the people express themselves as heartily tired of disorder and bloodshed, and exhibit every manifestation of genuine delight at the present peaceful condition of the county; but I discovered, in several instances, strong symptoms of smothered resentment on the part of individuals.

The surviving Tollivers, except Craig's widow, have left the county, and gone over into Elliott county. I presume I need not relate in detail the origin and progress of the disorder which, for so long, afflicted the county, as you have, no doubt, already been informed, through the medium of the public prints and previous official reports, that the trouble originated on the evening of the August election, 1884, at the close of an exciting political race for Sheriff between Cook Humphrey, Republican, and Sam Goodin, Democrat, in which election riot one Bradley was killed, and others were wounded; and, in consequence, the trouble in the beginning had a somewhat political complexion.

As a sequel to the election riot, John Martin soon afterwards slew Floyd Tolliver, and for that killing Martin was arrested and committed to the Montgomery county jail. While he was thus confined, Craig Tolliver, accompanied by several of his friends, presented himself to the jailer at Mt. Sterling, and producing a paper purporting to be an order for the delivery of the body of said Martin, from the Rowan county authorities, for the purpose of transporting him back to Rowan for trial, got the custody of the prisoner and started with him by train to Rowan county; but before the train arrived at Morehead—but after it had entered Rowan county—the engineer in charge had a pistol leveled at him by one of the party who had been intrusted with the custody of the prisoner, and was made to stop the train, while the other members of the party shot Martin to death. It transpired on investigation that the supposed order was a forgery. For that cruel murder thus publicly committed and rendered possible by fraud, no one was ever even indicted. The courts of the county, either from sympathy with the perpetrators, as some of the people insist, from a criminal indifference, or from a timidity almost as reprehensible as either, failed to act with that degree of vigor which such a condition of things as then existed in the county always requires.

Immunity from punishment for open and repeated violations of law soon brought the law and its executors into equal and undisguised contempt.

Meanwhile the troubles lost all political significance, and assumed something of the form of organized brigandage. The dominant faction, with Craig Tolliver at its head, now entered upon a career of murder and outrage, which terrorized the community, defied resistance and prohibited criticism. Craig Tolliver became a veritable autocrat of the little county seat. At his command men were slain or driven into exile. His will was the supreme law of the town and adjacent country. His word sealed the fate of more than one luckless victim. Finally he banished from the town D. B. Logan, a prominent young lawyer of the place, his political friend, who seems to have been guilty only of criticising in a mild manner the killing of Dr. Logan's sons, his kinsmen, who were arrested

at their home some three miles from Morehead by Tolliver and his band, under warrants issued by Craig Tolliver, as Police Judge of Morehead, on the complaint of Hiram Cooper, a dissolute fellow from the same neighborhood, who had taken service with Tolliver, and who, after their arrest, were foully murdered—shot till disfigured almost beyond recognition by their nearest friends, *Judge* Tolliver being present and in command at the murder.

After banishing D. B., or Boone Logan, as he is familiarly called, Tolliver goaded him with the exasperating message that he intended to rent out his house, and hire out his wife to make a living for herself and children, two in number.

At this juncture Logan visited Frankfort, and appealed to Governor Knott to furnish him troops and he would return to Rowan and arrest the outlaws, which request the Governor denied him; referred to the large sum of money the State had spent on Rowan without securing a conviction, and suggested to Logan that the good people of the community should take the matter in hand and themselves suppress the outlawry. Thus advised, Logan formed his resolution to organize the posse which did such effective service on the 22d of June last. I found that said posse was composed of many of the best citizens of the county, without regard to political affiliation, and that it included also good citizens of adjoining counties.

Logan procured warrants from the county judge, who resides eight miles from Morehead, for the arrest of Craig Tolliver and his principal followers, and also procured the assistance, or at least the attendance, of George Hogg, deputy sheriff of Rowan county, of whom I presume you have seen mention in connection with the arrest of the Logan boys; but it seems no formal order to surrender was given Tolliver and his men, as Tolliver discovered a member of the posse and opened fire on him before the posse, which had surrounded the town, was ready to move forward, and thus the fight which resulted so disastrously to the police judge of Morehead and his followers was precipitated.

With the occurrences of the 22d of June, I suppose Your Excellency is already familiar, and I will say, in that connec-

tion, that almost every one with whom I talked heartily approved the day's work, barring some excesses which were committed, such as the killing of two of the wounded men after the fight was over, and the disposition on the part of certain members of the posse to abuse their victory by manifesting some disregard of property rights, which conduct was bitterly lamented by the more conservative members of the posse, notably by Boone Logan himself.

Indictments are pending in the Rowan Circuit Court against certain members of the posse for said alleged excesses, to which I may again refer before closing this report.

The victors of the 22d of June were, in the main, singularly moderate and forbearing, and it is denied by none of the people there that they rendered a most valuable service to the county, in overthrowing the outlaws who had so long and cruelly terrorized the community. From the 22d day of June a new era dawned on Morehead; refugees returned from banishment to long deserted homes; business soon resumed its natural channels, and law-abiding people rejoiced as from liberation after long captivity.

One night while I was there the young people of Morehead had a "social" at the home of a prominent citizen, and I was told that it was the first event of the kind which had occurred in the little town for years. But there is yet a deplorably lax administration of the law in the county.

There are, as I was reliably informed, some ten or twelve saloons in the county, and not one of which has the sanction of legal authority. One only has even the pretense of legal sanction.

After Craig Tolliver was elected Police Judge of Morehead last May, he seems to have had the decency to think that it would look better on the part of a judicial officer to take out a license to retail liquor at his hotel (he had previously been selling without license), and, notwithstanding the popular sentiment was opposed to the granting of a license, the County Judge told me that he was a man of peace, and did not feel at liberty to refuse Craig a license, and so he granted it; and after Craig's death, on the twenty-second of June, his widow took out letters of administration on his estate, by virtue of

which she claims, and is exercising, the right to sell by retail spirituous liquors for the remainder of the time which her husband's license had to run, and so she continues the business at the same stand. Her's is the only saloon in Morehead, though there are some five or six at Farmers, none of which are licensed by State authority, and one, at least, has paid no internal revenue tax; and so of other saloons at other points in the county.

Good citizens of the county were severe in their strictures upon the conduct of Z. T. Young, charging him with being primarily responsible for the late disorders; and their strictures upon Judge Cole were scarcely less severe. They accuse Young of instigating the election riot of August, 1884, for the purpose of imparting to the disorder a political appearance; and of Judge Cole, they say that he has suffered himself to be controlled by Young in the selection of jury commissioners, appointing the same commissioners term after term, the commissioners so appointed being, as they charge, tools of Young, who would select grand jurors who would indict only such persons as Young would want indicted, and trial jurors equally prompt to do Young's bidding.

This complaint of the Judge was preferred by representative men, without reference to party affiliation, and, whether the accusation be well founded or not, the belief in its truth has evidently found lodgment in the popular mind to such extent as to seriously impair popular confidence in the Judge, without which an efficient administration of justice is well nigh, if not wholly, impossible.

The County Judge, James Stewart, with whom I held two interviews, seems to be a tolerably well meaning old fellow, but is weak and timid, and possesses not a single qualification for so important an office in a county like Rowan at such a juncture; while the Sheriff, Hogg, impressed me as a man of but little force of character, whose bond is said to be entirely insufficient to satisfy the most nominal recovery which might be had against him for official delinquency.

I did not meet Allie Young, who is county attorney, and son of Z. T. Young. Allie was reported as making his home at Farmers, eight miles west of Morehead, on the C. & O.

Railroad, and has been seen at Morehead but rarely since the 22d of June.

I met several of the justices of the peace, all of whom impressed me as men of integrity; but the majority, I thought, fell below the average of the community in point of intelligence. Withal, I have no hesitancy in saying that the good people outnumber the bad in Rowan by at least eighty per cent., though they were for so long domineered by the lawless minority element of the population.

I inquired of almost every one with whom I talked their wishes as to the action they would have Your Excellency take with reference to the petitions for pardon of offenses alleged to have been committed at Morehead on the 22d of June, and at least nineteen-twentieths expressed themselves in favor of general amnesty for all of said offenses; and that expression applies, with especial emphasis, to all indictments for violence there on that day, fearing, as they said, the coming together at Morehead of so many of the participants in the late troubles and their friends, under circumstances of irritation, such as a judicial scrutiny into the transactions of that day would involve, might produce a friction that would lead to a renewal of hostilities.

As to the means to be adopted to preserve the present peaceful condition of affairs in said community, I would respectfully suggest that there are several measures which Your Excellency might, with propriety, recommend to the General Assembly soon to convene, viz:

1. A repeal of the act of assembly establishing the county of Rowan; though that would be rather an extreme remedy, and would, perhaps, be fraught with much inconvenience to people living within the present territorial limits of the county.

2. The transfer of the county to another judicial district.

3. To divest the Rowan Circuit Court of all criminal and penal jurisdiction, and transfer such jurisdiction either to Judge John M. Rice of the adjacent criminal court district, or confer it upon Judge John E. Cooper, whose circuit court district adjoins the county; and in this connection I feel constrained to suggest the propriety of a legislative investigation into the conduct of Judge Cole, as I feel that justice to

the judge would demand that he have an opportunity to disprove the accusations so freely made against him by so many of the people of Rowan if innocent, while the honor of the judiciary and integrity of government alike require that he be exposed and punished if guilty. I incline to the belief that a pardon of all persons indicted for violence at Morehead on the 22d of June would best subserve the interests of peace, and especially so if no change of criminal jurisdiction, as above suggested, be not provided for.

Very respectfully,

SAM E. HILL, *Adjutant General.*

N. B. I was informed that from the first Monday in August, 1884, to 22d of June, 1887, inclusive, twenty-three men were killed in Rowan county.

S. E. H.



## REPORT OF CAPTAIN ERNEST MACPHERSON.

LOUISVILLE, KY., September 8, 1887.

*To the Acting Adjutant General of the Commonwealth of Kentucky, Frankfort, Ky.:*

SIR: By way of preliminary to this report, it is proper to say that, before going to Morehead, I knew in a general way that there had been a factional quarrel in Rowan county, from which numerous homicides had resulted; that the condition of affairs there was discreditable not only to the county but to the Commonwealth, and that troops had been sent to Morehead on several occasions; but I knew none of the parties, had no prejudice for or against either faction, and had never discussed the subject with the Governor, the Acting Adjutant General, or any of the officers who had preceded me in this service. The peculiar predicament of Rowan county renders it one of the curiosities of the nineteenth century, and demands in this report a departure from the usual military formularies.

In obedience to the directions contained in your letter, dated the 30th July, 1887, I assumed command of the detachment from the Louisville Legion at Louisville at 6 o'clock on the morning of August 1, 1887, and proceeded to Morehead, Ky., via the Louisville & Nashville and Chesapeake & Ohio Railroads, reporting at Frankfort to Col. L. W. McKee, Second Regiment Kentucky State Guard, under whom I had the pleasure to serve until the 18th of August, when he was relieved from service at Morehead, and the command of the post devolved upon me. Upon arrival at Morehead, about 4 o'clock in the afternoon, possession was taken of so much of the public square as was necessary for the camp, which was at once established.

The particular duty assigned me was to take charge of prisoners, to attend the sittings of the circuit court, and to preserve order therein. Whenever court was about to convene, the

court-house was cleared, and two, sometimes four, sentinels were posted at the door, with instructions to suffer no civilians, except the jailer and sheriff, to enter until they had been searched by the sheriff or by one of his deputies; and in case of disturbance in the court-room, to suffer no one to pass either way. The accidental discharge of a sentinel's gun on the first morning that court was held caused a rush for the door; but everybody being ordered immediately to resume seats, and not being willing to attempt to pass the sentinels who stood at charge bayonet and with rifles at *ready*, quiet was promptly restored, and no similar incident occurred during the term.

Not infrequently a witness would apply to an attorney the epithet of liar, and *vice versa*; and when questioned relative to some crime charged against him, a witness would defend his credibility on the ground that his questioner was guilty of offenses similar in character, which he would proceed to enumerate; an attorney would assure an opponent that he was "no gentleman," and even suggest that he was guilty of crime. But whether such epithets found an excuse in the mutual accuracy of their application, or whether such accusations were considered as not contravening the proper rule of professional amenity in the Rowan Circuit Court, or whether, as may not extravagantly be supposed, the ascriptions of criminality were in certain instances merely the truth, they excited no apprehension of a necessity for military interference; and particularly as they seemed in no grave measure to offend the dignity or to fatigue the serenity of the presiding judge. Indeed, when the case of the Commonwealth of Kentucky v. John Keeton was called for trial, and the affidavit of the defendant and two reputable housekeepers, asserting the belief that the presiding judge would not afford the defendant a fair and impartial trial, was, by the defendant's counsel, handed to the judge, he remarked, after reading the instrument aloud, that "he was not surprised; that John Keeton would swear any thing; that he had sworn to so many lies already that it was not astonishing that he should swear that he (the Judge) would not give him a fair trial." This observation of his Honor was delivered in presence of the jury that was to be selected to try Keeton.

In endeavoring to ascertain, by impartial inquiry of the

reputed leaders of the two factions, the true cause and condition of the quarrel, it was discovered that many of the murders had been committed under the forms of legal procedure; that the grand jury had been for years composed of almost identically the same men; that the leader of one faction was the Master Commissioner of the Circuit Court; that the son of the reputed leader of the other faction was the County Attorney, and, under the law, authorized to assist the Commonwealth's Attorney in the prosecution of crimes, and also, as a matter of course, having free access to the sittings of the grand jury; that the Judge of the Court, and the leader of the Tolliver faction, and the Commonwealth's Attorney, were in constant association, boarding at the same house, eating at the same table, coming together to Morehead on the same train that brought many of the men recognized to be of the Tolliver party, and conceded to have been partisans of Z. T. Young, whom it was intended to arm with the Springfield rifles known to have been shipped to Young at Mt. Sterling, and who were to have come armed to Morehead with the Judge and Young if the Governor had not ordered the troops. There can be no doubt that the presence of the troops averted a bloodier battle than that of the 22d of June. When the grand jury was being selected, the Judge stated that he had every reason to believe that those summoned were honest, intelligent, discreet, and worthy gentlemen, but as they were to investigate the recent troubles, and as imputations had been cast upon the fairness and impartiality of the Court and jury, he desired any and all persons who had any objections to any of these gentlemen serving upon the grand jury to tender them at that time, that no one could be justified thereafter in impugning the motives or proceedings of the Court or of the grand jury. Thereupon D. B. Logan produced affidavits advancing objections to several of those summoned as grand jurymen; and, in the investigation which followed, Z. T. Young took it upon himself to "defend the Court and the jurymen to whom objections had been made." He asserted his belief in the purity and integrity of every one summoned on the grand jury, and stated that he was personally unconcerned as to who might compose that body; but that he appeared as "a friend of the Judge, and a lover of right and justice."

The Commonwealth's Attorney remained silent. Several of the objections were sustained, but in one or two instances were overruled; and then D. B. Logan announced that, as far as he was concerned, nothing further would be said; that he "feared no investigation into any act of his life." It being necessary to summon additional jurors, the Deputy Sheriff of Rowan county, George Hogg, who, as one of the posse of Craig Tolliver, was present at the murder of the Logans on the 7th day of June, and yet was nevertheless permitted to attend officially the sittings of the court, went out and summoned his own father; but the elder Hogg was excused. In all the prosecutions against those who were supposed to be partisans of the Martin or Logan faction, Z. T. Young, or his son, the County Attorney, were suffered by the court to be the active representatives of the Commonwealth. To a lawyer as well as a soldier, these facts and proceedings appeared so anomalous as to compel the conclusion that the charge of partisanship in the judicial methods of the Rowan Circuit Court, which was the common comment of the camp, and of many of the jurymen from Fleming county, was not without good foundation. Wrong has time and again been committed by very conscientious men. The judge of the Rowan Circuit Court is personally an amiable and agreeable gentleman. He may be given credit for being perfectly conscientious. His partisanship is, however, none the less glaring, and his opinion, freely expressed, that "Z. T. Young has done more than any other ten men to preserve the peace and good order of Rowan county," though the belief of a sincere friend, could certainly not be the utterance of an unbiased magistrate.

The regular term of court being about to expire, an order was entered extending it for thirty days, and the sheriff was directed to summon fifty jurors from Fleming county. The chief interest centered in the case of the Commonwealth of Kentucky vs. Hiram Pigman and "Ap." Perry, who were indicted for the killing of Craig Tolliver. The trial, which lasted seven days, was concluded September 1st.

It was clearly established by the evidence that, on the 7th day of June, 1887, Billy Logan, a consumptive, twenty-five years of age, who weighed about one hundred pounds, and

his brother, Jack Logan, a youth of eighteen years, were at their home, a double log cabin, about two miles from Morehead. They were alone. Their father was in jail at Lexington, committed by the Judge of the Rowan Circuit Court, charged with conspiracy to kill him and Z. T. Young. He was subsequently released by the pardon of Governor Knott.

Craig Tolliver, the police judge of the town of Morehead, issued to one Mannin, his marshal, a warrant for the arrest of one of these young men. These judicial and constabulary representatives of the municipality of Morehead summoned the usual posse comitatus, among others Deputy Sheriff Geo. Hogg, of the county of Rowan, Bud Tolliver, Jay Tolliver, Cal. Tolliver, and Hiram Cooper; in all, it was a posse of ten persons, including a son of Z. T. Young.

Armed with the warrant, and with Winchester rifles and breech-loading shotguns, the posse proceeded to the home of the Logans. When they came near the house they fired a fusilade, or "full-side" as it was denominated by the local narrator. Jack Logan, who chanced to be in the yard feeding his horse, ran into the house, seized a shotgun, and fired once, wounding Mannin, the marshal. After several fusilades had failed to induce the boys to surrender, or to come out, the posse comitatus, under the orders of Judge Craig Tolliver, and in the presence of the Deputy Sheriff of Rowan county, George Hogg, built a fire on the porch, intending to burn the house, and thus force the boys to come out. Deputy Sheriff Hogg, then "requested permission" to extinguish the flames, and the other representatives of magisterial authority consenting, a parley was held. Deputy Sheriff Hogg went into the house. The Logans expressed a perfect willingness to surrender, but wanted some assurance that their lives would be spared. Deputy Sheriff Hogg reported this to Judge Tolliver, and was authorized to guarantee that the Logans would be protected. This assurance being communicated to them, and being supplemented by the personal guaranty of Deputy Sheriff Hogg, the elder Logan advised his brother that they surrender, as otherwise they would either be burned alive or forced at last to go out.

Billy Logan gave himself up, and went down stairs with the

Deputy Sheriff. The younger boy was still reluctant to trust his life into the hands of the Police Judge and Town Marshal of Morehead, and posse comitatus; but after repeated pledges that he would be protected, he, too, came down and out. They started from the house, Jack holding to the arm of the Deputy Sheriff, his brother about five feet in rear. When they had gone about fifty feet, the Police Judge and others opened fire and killed one of the boys, and then the other. The posse comitatus, or some of them, continued to fire shots into the dying or dead boys, and then left them where they fell.

The Deputy Sheriff of Rowan county, George Hogg, testified that he ran away when the firing began. The posse soon rejoined him, however, and together they returned to Morehead, being first halted on the brow of the hill overlooking the town, and instructed by Judge Tolliver that all should tell the same story: that is, that the Logan boys were killed in resisting a proper arrest, and only as an absolute necessity.

The next morning, D. Boone Logan, a young attorney about thirty years of age, a cousin of the murdered boys, with two friends, Hiram Pigman and Ap. Perry, the defendants, having heard of the murder, went to the Logan place and found and cared for the mangled remains of his relatives. Boone Logan and others made repeated but futile efforts to have the Tollivers arrested. Deputy Sheriff George Hogg kept his knowledge of the affair a profound secret. After several days, Mannin, one of the posse, went to Logan and professed to want a trial; he also stated that the Tollivers wished a trial, but desired it conducted with the understanding that they should appear in court with their Winchester rifles. Judge Stewart, the County Judge, to whom the Tollivers also sent word that they wished a trial, returned answer that he would not hold the examining court; that he "would not have a bogus trial." The County Attorney, a son of Z. T. Young, had business in Kansas City. Logan went to Frankfort and endeavored to induce the Governor to send troops to Morehead to make the arrest, a request which, under the law, was necessarily refused. Finally, a magistrate, "under protest," issued a warrant, which was delivered by Boone Logan to 'Squire Hogg, the "High Sheriff"

of Rowan. The Tollivers regularly picketed the town at night. Logan had, in the meantime, gone to Cincinnati and obtained twenty Winchester rifles, and he informed the "High Sheriff," Hogg, that men would be forthcoming to assist in making the arrest. Numbers of the men who came with Logan testified that they were summoned as a posse either by the High Sheriff or by his deputy, George Hogg. The latter denied this, however, and also testified that they "were not afraid to arrest the Tollivers, but could give no reason for the failure."

It was agreed that 'Squire Hogg should go to town on the morning of the 22d of June, 1887, and demand the surrender of Judge Tolliver and the others charged with the murder. On the night previous Boone Logan and his friends surrounded Morehead. The "High Sheriff" failed to keep his appointment, and did not approach the place until after the fighting had begun, and remained outside until it was over. About 8:30 o'clock on the morning of the 22d of June one Bryant was sent to Pigman's store for information as to the movements of the Tollivers. Returning to his comrades, he was seen by Craig Tolliver, who, with Jay Tolliver, ran down Railroad street and fired on Bryant, but missed him, and he escaped into the woods. As the two Tollivers were coming back, Boone Logan commenced firing. He was at once deserted by the men with him, but continued firing, which was returned by the two Tollivers until their Winchester rifle and revolver were emptied. They then ran from below the depot to the American House, Craig Tolliver's hotel, and, getting ammunition, were joined by Bud, Andy, Cal, and Cate Tolliver, Cooper, and others, and all started on a run for the Central Hotel. Craig and Andy were the first to reach the Central Hotel, leaving the others, and going through alleys. Bud Tolliver, Cooper, and the rest, under constant fire from the brush, went on by way of Railroad street. Halting at the drug store, they fired into the brush and wounded one Madden. Bud Tolliver was here shot in the thigh. Cal and Cate, who were mere boys, helped Bud up the lane, and hid him in the weeds back of Mal. Johnson's store. They then joined the others, who were all now at the Central Hotel. Cooper went out in front of the hotel, on Main street, and fired on some of Logan's men; he was shot through

the breast, and retreated into the hotel. He got into a wardrobe in a back room up-stairs, and in this place of fancied security was again hit by a bullet fired from the front of the house.

The Central Hotel was surrounded, a cessation of fire ordered, and Boone Logan called to the Tollivers "to come out and they should not be hurt." A message of the same purport was also delivered by a woman. She returned with Cate Tolliver, a boy of fifteen years of age, who was disarmed and unmolested. The others refusing to surrender, Logan, profiting by the tactics employed against his cousins, ordered his men to fire the building. The Tollivers at once broke from the place and started for the brush. Jay came out the rear way, got about fifty feet, was shot three times and fell. Craig and Andy came out the south side, and amid "a perfect hurricane" of bullets, Andy, with two small flesh wounds, succeeded in reaching the woods. Craig Tolliver's good luck at last deserted him. He started running, and firing as he ran, down the lane which leads from the Central Hotel to the railroad track. At the corner, and by the drug store, Pigman and Perry and three others were posted. They opened fire on Tolliver, and the scores of others stationed about the Central Hotel continued their fire. Craig Tolliver went a few feet beyond the corner, fell; rose twice and fell again at the switch, literally riddled with rifle-balls and buck-shot. There were some bad men in the fight against the Tollivers, but it did not appear that they were connected with Logan; one of them, indeed, who inferentially admitted that he had fired three shots into Jay Tolliver after he was down, was a witness, and a willing one, for the prosecution. These guerillas, having found where Jay and Bud Tolliver and Cooper were, immediately made short work of the little life left in them, and then sacked the American Hotel.

The firing was continuous for the two hours the fight lasted, except when the surrender of the Tollivers was demanded. Over fifteen hundred shots were fired. The fight ended, there was great rejoicing among the victors. A public meeting was held at the court-house, and a party styling themselves the Party of Law and Order took immediate possession of the town,



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

On the 10th ult., Z. T. Young, Jerry Wilson, Andy White, one of the Deputy Sheriffs, who spoke of the Tolliver faction (in presence of a detail from my command then assisting him in endeavoring to make an arrest) as "our side," and one Weddington, and others considered partisans of the Tollivers, were observed to be holding consultations, and so peculiar were their movements that it was thought proper to place them under quiet surveillance. In the afternoon they disappeared from Morehead. The next afternoon's train brought a box of Springfield rifles, caliber fifty, and one thousand rounds of ammunition therefor to Morehead, addressed to "A. J. White, D. S." On the express tag the address "Z. T. Young, Mount Sterling, Ky.," had blue lines, in pencil, drawn through it, and the name A. J. White, D. S., in the same pencil marks, was written over it. The report of Col. McKee will relate the seizure of these arms and the ammunition at the depot, the Judge of the Circuit Court directing it in two orders, one declaring that the order

was made "for the purpose of securing peace and quiet, and preventing a fight among citizens of this community" (Orders No. 3), and the other declaring that "said arms and weapons are kept, or hidden, or concealed, with the intent and purpose of being used by partisans of the factional war or strife now disturbing the peace, quiet, and good order of said county of Rowan, or being delivered to said partisans; and whereas, it appears to the satisfaction of the Court that if not immediately deprived of the arms and weapons aforesaid, or their delivery prevented, a collision between the opposing partisans is inevitable." Their seizure was ordered (Orders No. 5). The same orders directed search of places where it was supposed the Logan or Martin people kept their arms. The orders were promptly executed—the Springfield rifles and ammunition brought into camp, and various houses, named in the orders, searched, and guns of many patterns, from Winchester rifles to flint-locks, taken and put with the others.

These orders of the Judge, numbered 3, 4 and 5, were issued either upon Col. McKee's or my request. The reasons for the application will appear when it is understood that on the first night after the troops arrived at Morehead the "guard" established by the Law and Order party, so called, were on the streets armed, many of them, with Winchester rifles. There were rumors that they were to be attacked by the partisans of Z. T. Young. However trustworthy or unreliable the rumors might be, it was thought improper that a military force, sent to Morehead to preserve the peace and fully competent to discharge the duty, should suffer others to attempt to supersede them, and these "guards" were notified that their arms must be put away. In order to give unquestioned sanction to this notice, the Judge issued Order No. 2, directing Col. McKee "to disarm all persons except the soldiers under his command, that might be found in the streets or alleys of Morehead with guns, or any other place within the corporate limits of said town." The notice was sufficient for the purpose, and the arms put away. To have suffered the guns of Z. T. Young to be carried by a posse to whom they would be delivered by the deputy, White, would have been to accord to one faction a privilege denied to the other.

It was presumed, too, that Young would probably know the persons to whom he furnished arms, and would not be likely to trust them, even to a sheriff of Rowan county, if they were to be used against his friends. Hence the application to the Judge for the orders for their seizure.

Assuming command on the 18th ult., I received all orders issued to that date, including the letter of date August 12, 1887, from the Adjutant General's office, in which Col. McKee was directed "please to bear in mind that you (he) are not authorized to release these arms except by his Excellency's instruction."

On the 24th of August I received from the Judge of the Rowan Circuit Court an order (Order No. 6), in writing, "immediately to deliver to the Sheriff of Rowan county, 'Squire Hogg, the box of Springfield rifles and box of ammunition," \* \* \* "to arm a posse of citizens of Rowan county" to make an arrest; and the order further directed, that "should you (I) refuse to comply with this order immediately, you will give your reasons in writing for so doing." To this a reply was immediately delivered in writing refusing to obey the order, because the arms could not be released except by his Excellency's instruction. This reason was deemed sufficient for the purpose of complying with the Judge's direction; but others might have been assigned, which, if less conclusive, were not wanting in force. The simple effect of obedience to this order would have been to restore the arms of the Young or Tolliver party, and to retain possession of those of the Logans; and to arm a posse, perhaps to be guided by Deputy Sheriff George Hogg, with its recent history fresh in mind, would scarcely be consonant with the duty of an officer sent there to preserve the peace. Moreover, these arms were not the property of the Judge, nor of the Sheriff to whom they were ordered to be delivered.

A day or two afterwards, in open court, the Governor by name was severely censured by his Honor for not permitting him "to arm the sheriffs, so that they could bring offenders to justice and protect themselves in the discharge of their duties." Copies of the correspondence and orders were duly forwarded to the Acting Adjutant General.

The Judge was on two occasions officially informed by me that any communication he might address to the Governor in relation to these arms would receive proper consideration.

On the 3d inst., the day of the adjournment of the court, the Judge handed me an order (Orders No. 7) to "immediately deliver to the various persons from whom they were taken by my (his) order the guns, pistols, and other weapons and accoutrements at the present term of the Rowan Circuit Court. This order, however, is (was) not intended to nor does it in any manner interfere with or modify an order heretofore given you (me) in relation to the box of Springfield rifles and a box of ammunition for the same." This order was executed, except as to the Springfield rifles and ammunition. I had shortly before received from the Acting Adjutant General an order directing me "to restore private arms, and to bring to Frankfort the Springfield rifles and ammunition therefor captured at Morehead."

The Deputy Sheriff, Andy White, repeatedly requested that the arms be delivered to him. On one occasion he stated that he had bought the Springfield rifles; he subsequently informed me that he had borrowed them.

On the morning of the 3d inst. Z. T. Young and Jerry Wilson desired to know what disposition was to be made of the guns. They were informed that, unless I was otherwise instructed by the Governor, the arms and ammunition would be taken to Frankfort. Young then informed me that the guns belonged to Wilson, who had helped to buy these with other arms, and they both requested that, if authorized to restore them, I would deliver them either to the Sheriff or to one of his deputies, or carry them on my train to Wilson at Farmers, a station a few miles below Morehead. Young had previously stated that he had purchased the arms in order to protect himself and his sons, who were under bond to appear at the August term of the Rowan Circuit Court, against the "guard" established by the Law and Order Party. This box was one of several that he had bought. The interest Wilson had in protecting other people in Morehead, which was not his home, was not explained.

I received no formal orders that court had adjourned, or

that I was relieved from duty at Morehead; but immediately telegraphed the Acting Adjutant General, pursuant to whose orders camp was broken, and the command took special train at 3 o'clock in the afternoon of the 4th inst.

The Deputy Sheriffs, George Hogg and Andy White, on Saturday afternoon were making threats about town as to what would be done in case the Springfield rifles and ammunition were attempted to be removed from Morehead; but the guard which loaded them was not disturbed. At Mt. Sterling a number of people crowded about the baggage car, which a deputy sheriff from Montgomery county, inquiring for me, was allowed to enter. He demanded the delivery of the Springfield rifles and box of ammunition. Being informed that they were held under the Governor's orders, he stated that "he had come to take them and would do it." Another deputy or two followed him into the car, and he handed me a summons and an order of delivery from the Montgomery Circuit Court in a suit filed that day against me by Z. T. Young and Jerry Wilson. It was explained courteously that the guns and ammunition would be carried to Frankfort, and the utter absurdity of any sheriff, with any posse, attempting forcibly to prevent this. The guns were then under guard of the baggage detail, who were armed and ready to resist to the utmost any effort to take them. The train starting at this moment, one of the deputies jumped off. The deputy who was the spokesman seized and pulled the bell-rope, but whether it had been detached from the bell, or whether some one was hauling with equal fervor at the other end, the train bearing the sheriff drew away. He was a voluntary passenger, and received all proper consideration. The arms and ammunition were delivered to the Governor at Frankfort, and the entire command returned to Louisville the same evening. The writ is returnable the first day of the December term of the Montgomery Circuit Court.

The good conduct and soldierly bearing of the troops at Morehead were matters of universal commendation. To every alarm they responded promptly, even eagerly. Colonel McKee, who was an entire stranger to the command, won their confidence and esteem at once, and his very superior accom-

plishments as a commander and soldier made his absence always regretted. The almost perfect discipline that prevailed during the entire encampment is to be credited to Captain Huhlein, Adjutant Williams, Lieutenants Mansir, Gray, McGowan, Francke, and Park, officers who would do credit to any army, to the exceptionably well-informed non-commissioned officers, and to the uniform zeal of the men. The services of Acting Assistant Surgeon E. L. Pearce were invaluable. It will always be to me a pleasure to remember that I had the honor to command the prompt, patient, and brave little battalion that did the State good service at Morehead.

In concluding this somewhat lengthy report, the following suggestions are offered :

The wrongs committed by both parties can never be righted. The chief causes of the long-continuance of the disgraceful disorders in Rowan county have been the confidence of certain law-breakers that their crimes would not be punished, and the belief, or apprehension of many of the good citizens, that the legal machinery had been and would be conducted in the interest of a few men. If Rowan county were legislated into some other judicial district these causes would no longer exist. To abolish the county might accomplish the same end, but it would be to transfer to unwilling hands the settlement of a controversy which can be quieted at home, and possibly to involve the new locality in the quarrel. There are as good people in Rowan as in any county, and I am satisfied that the great majority desire peace. The verdict in the Pigman case was received with gratification by the law-abiding people of Rowan, and its effect can but be wholesome. I think it would be advisable to pardon Pigman and the others against whom still stand indictments for the killings of the twenty-second of June. No one expects a conviction in these cases, and their trial would serve to revive animosities which should be quieted if possible.

The orders of the Judge of the Rowan Circuit Court numbered by me, and the writ served by the sheriff of Montgomery county, are herewith returned.

I have the honor to be, very respectfully, your obedient servant,

ERNEST MACPHERSON,

*Captain Commanding Detachment Louisville Legion.*