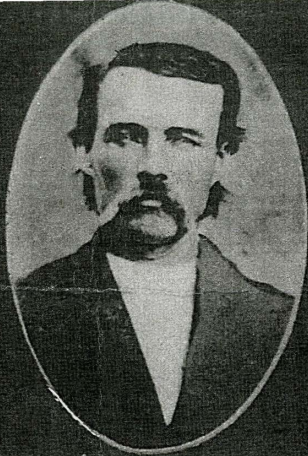






1884  
The Collection Of:  
Dr. Jack D. Ellis

Lucy Trumbo Martin, John Martin's wife, who was on the train at the time her husband, handcuffed, was slain near Farmers, Rowan County, Kentucky, a few miles from Morehead. Mrs. Martin died at the age of sixty-eight. I knew the old lady well and she often spoke of the "troubles" to me when no one was "nigh."

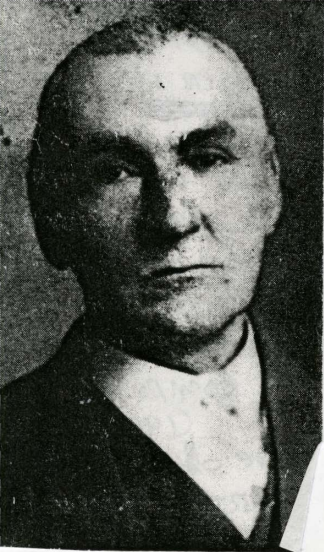


JOHN MARTIN + JACK TABOR

WERE WERE ARRESTED AT THE  
OHIO RIVER FOR STEALING  
HORSES IN ROWAN CO. JACK  
TABOR WAS HUNG—

John Martin, who was the first to shed  
blood in the Martin-Tolliver feud of  
Rowan County, Kentucky. Later he  
shot and killed Floyd Tolliver.

DE. JACK D. ELIS  
552 W. 8th St.  
Morehead, KY 40351  
606-784-7473



ELLIS AND TOLLIVER  
NAMED FOR  
F.M. TOLLIVER

BROTHER OF CRAIG,  
~~CRAIG~~ AND  
FLOYD TOLLIVER. HE  
WAS A PROMINENT  
MOREHEAD BUSINESS  
MAN - BEGAN

WORK

W H V

RE

Dr Jack D Ellis  
215 Knapp Ave  
Morehead, KY 40351

(1904)

Site of Ky Folk  
ART CENTER

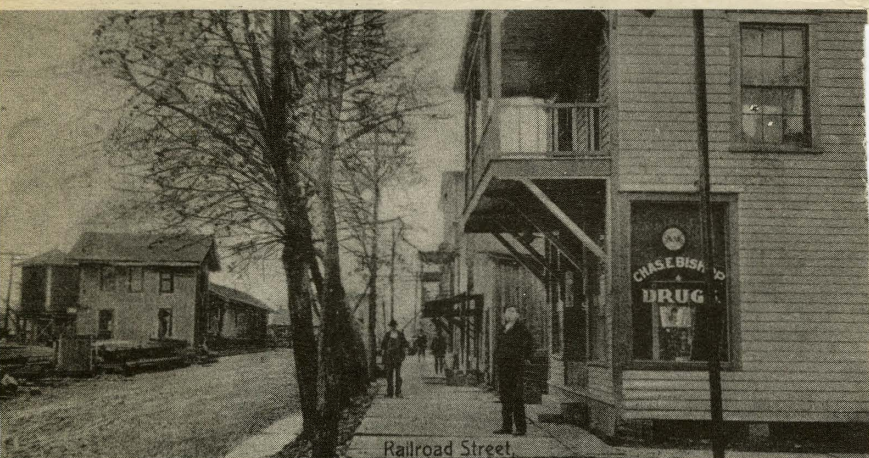


(upper) John Martin, who was the first to shed blood in the Martin-Tolliver feud of Rowan County, Kentucky. Later he shot and killed Floyd Tolliver.

(lower) Lucy Trumbo Martin, John Martin's wife, who was on the train at the time her husband, handcuffed, was slain near Farmers, Rowan County, Kentucky, a few miles from Morehead. Mrs. Martin died at the age of sixty-eight. I knew the old lady well and she often spoke of the "troubles" to me when no one was "nigh."

✓





(upper left) John and Lucy Trumbo Martin

(upper right) Ben Martin, John's son, and little John Linval Martin, who saw their father dragged through the dust to the jail house the day of the "killin'" of Floyd Tolliver.

(lower) The old depot through which John Martin was carried handcuffed and dying after being shot on the train which was bringing him back to Rowan County for trial. Beyond the drugstore is the Clay Powers Hotel in which John Martin died.

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 552 W. Sun St.  
 Morehead, KY 40351  
 606-784-7473

Rowan County

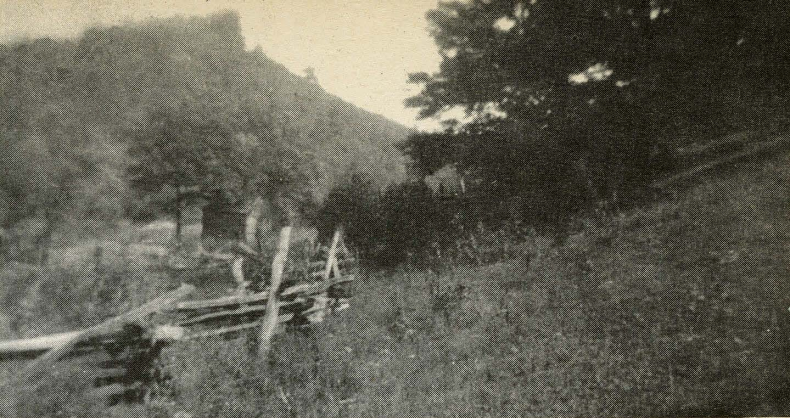




Ben Martin and his wife. Ben Martin was a little lad when the "troubles" started.

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Morehead, KY 40351  
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opper) "When the trouble makers burned Grandpa Martin's house," Ben Martin told me, "Ben Rayburn ran out of the house and they shot him dead. His body lay for three days, because the citizens were afraid to pick it up; some of us children tore down a worm fence and piled the rails up about the corpse so the hogs wouldn't mutilate it."

ower) John Martin's grave: "Trouble makers surrounded Grandpa Martin's house and burned it to the ground at Rodburn, Rowan County, Kentucky." They told Mrs. Lucy Trumbo Martin, John's widow, they would do her no harm, to which she answered, "You've already harmed me all you can," pointing to the little burying ground atop a far-off hill where John Martin lay.





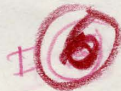
ROWAN COUNTY COURT-HOUSE AT MOREHEAD, WITH TROOPS ON GUARD.

Artists Sketch of troops on guard at  
THE ROWAN COUNTY COURTHOUSE DURING  
THE TIME OF THE FUED.  
(1886)

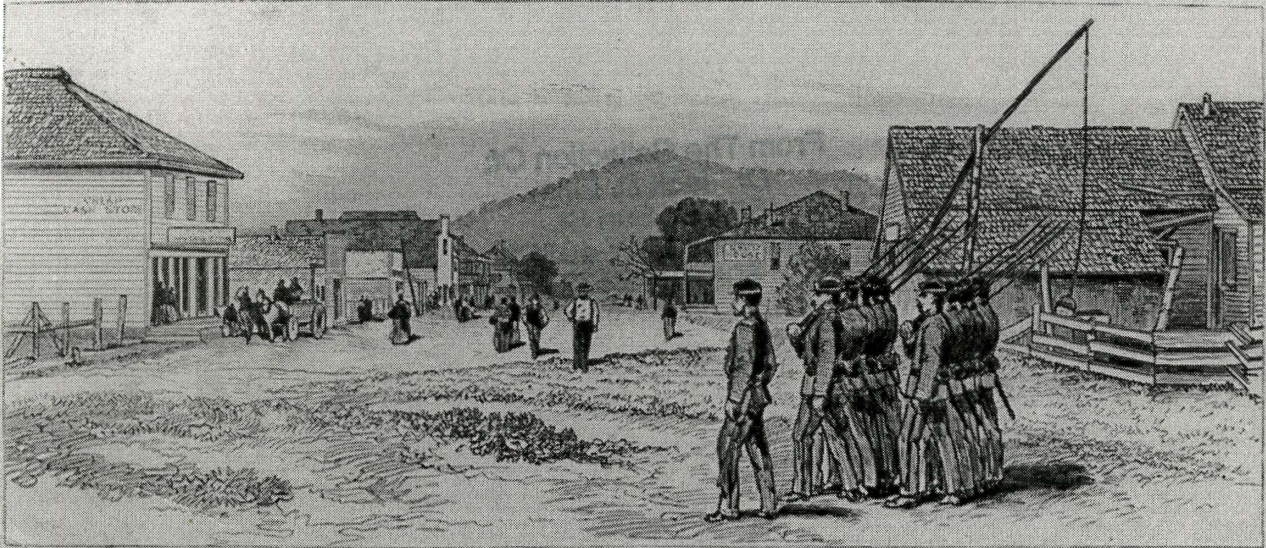
RCWAR-

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606-784-7473

3cols







Headquarters of the Tolliver Faction.

Headquarters of the Martin Faction.

MAIN STREET, MOREHEAD.



*t, Morehead 1887*



COL WARREN ALDERSON'S STORE (R)  
AMERICAN HOTEL (L)



**From The Collection Of:**  
**Dr. Jack D. Ellis**  
**552 W. Sun St.**  
**Morehead, KY 40351**  
**606-784-7473**

Morehead 1887





THE GAULT HOUSE-MOREHEAD'S  
MOST FAMOUS BUILDING  
WAS CONSTRUCTED IN 1856  
BY COLONEL JOHN HARGIS.  
IT HOUSED MOREHEADS FIRST  
POST OFFICE AND WAS KNOWN  
FOR ITS FOOD AND FEEDING.

LATER  
IT WAS ENLARGED, AND WAS  
THE CENTER OF ROWAN  
COUNTY SOCIAL AND BUSINESS  
ACTIVITY. LOCATED AT THE  
CORNER OF MAIN ST AND  
UNION BLVD-IT WAS TORN  
DOWN IN 1919 BY BERT WILLET.

in The Collection Of:  
Dr. Jack D. Ellis  
552 W. Sun St.  
Morehead, KY 40351  
606-784-7473

Dr Jack D Ellis  
215 Knapp Ave  
Morehead, KY 40351







1864-1885 DURING THE ROWAN COUNTY WAR  
Troops on Guard

The State Militia enjoyed Morehead's hospitality three times during the conflict. The first visit (shown above) was during July and August 1885. It was initiated by the Martin house incident. Note tents pitched behind the courthouse.



*International Conference  
Identities Through Battlefields*



*16-17 April 2004  
Morehead State University  
Morehead, KY*



## **Preliminary Conference Schedule**

*Friday, 16 April 2004*

Conference Center, Ramada Inn, Morehead

12:00 – Opening Remarks

MG Donald C. Storm, The Adjutant General

Kentucky National Guard

12:30 – 2:00 Session 1

2:20 – 3:45 Session 2

4:00 – Rowan County War Site Tour

Jack Ellis, emiritus director of the Camden-Carroll Library,

Morehead State University

6:00 – cocktail hour, Ramada Inn

7:00 – Dinner, Ramada Inn

David Morgan, Executive Director and State Historic  
Preservation Officer

*Saturday, 17 April 2004*

Riggle Room, ADUC, MSU campus

9:00 – 10:30 – Session 3

10:45 – 11:45 – Session 4

12:30 – Lunch

1:30 – Kentucky Civil War Sites Association  
Representatives.

4:30 Summation and Closing Comments

## **Conference Speakers**

Mary Munsell Abroe, Ph.D., Kendall College, Evanston, IL  
"Written on the Battlefield: Veterans Identify Their Civil War, 1861-1900"

Graham Barrigan, La Trobe University (Australia)  
"Landscape and Archaeology: the Civil War and World War I"

Holly Beach, Ball State University, IN  
"Recognizing the Past: Creating a Civil War Heritage Trail based on John Hunt Morgan's 1864 Raid"

Joseph E. Brent, Mudpuppy & Waterdog Public History Specialists, KY  
"Power to the People: The Modern Era of Civil War Sites Preservation in Kentucky 1991-2003"

Kathy German, Miami University, OH  
"The Depiction of African Americans as Battlefield Heroes in "The Negro Soldier" and "The Negro Sailor"'"

Susan B. Hawkins, National Parks Service  
"Broadening interpretive themes: The efforts at Fort Donelson National Battlefield"

John R. Lee, St. John Fisher College, NY  
"Battles and Castles of Jordan: The 1183 Siege of el-Kerak (Jordan)"

Mathew Preece, Morehead State University, KY  
"Revolutionary Armies from the 1649 Cossack War and the Siege of Zbarazh (Ukraine)"

Daniel M. Sivilich, BRAVO, NJ  
"The Battle of Monmouth: The Archaeology of Molly Pitcher, the Royal Highlanders, and Colonel Cilley's Light Infantry"



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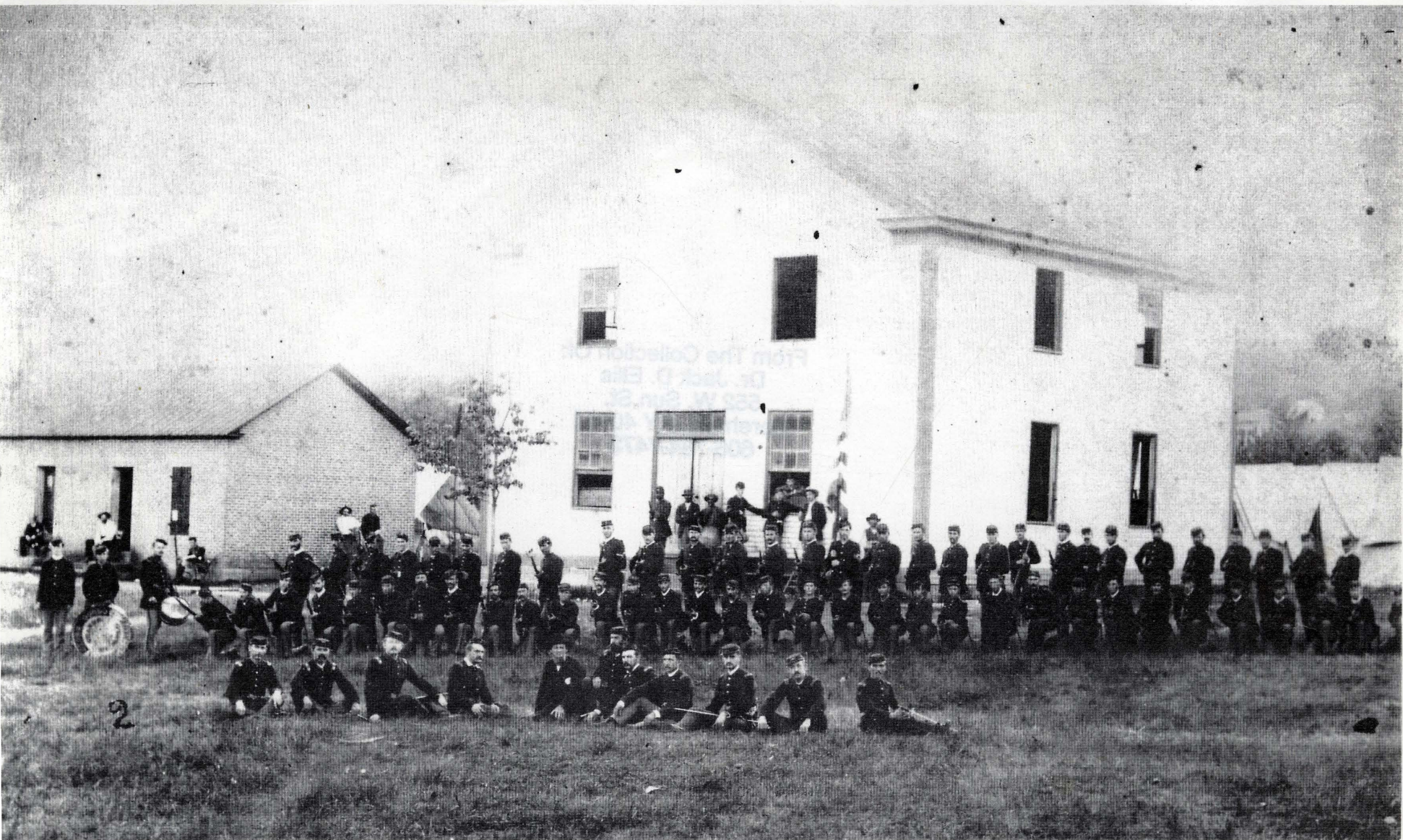
**Contact:**

Adrian O. Mandzy, Ph.D.,  
Assistant Professor of History  
Morehead State University  
KY 40351 (606) 783 - 2898  
[a.mandzy@moreheadstate.edu](mailto:a.mandzy@moreheadstate.edu)

This conference is jointly sponsored by the Kentucky Heritage Council, the Kentucky Association of Central and East European Studies, the Office of International Education at Morehead State University, and the Department of Geography, Government and History at Morehead State University.

The Kentucky Civil War Sites Association is made up of 58 individual grass-roots preservation organizations that are working in partnership to insure the long-term identification, registration, preservation and interpretation of Civil War battlefields and historic military sites located across the Commonwealth.





\*\*\*\*\* THE ROWAN COUNTY WAR \*\*\*\*\*  
Troops on guard at the Rowan County Courthouse, July and August, 1885.



Photo —

Courtesy of Juanita Blair and Fred Brown Jr.

From The Collection Of:  
Dr. Jack D. Ellis  
552 W. Sun St.  
Morehead, KY 40351  
606-784-7473

**RARE PICTURE**—Throughout the history of the Rowan County War are references of the Governor sending troops to Morehead, but despite much advertising the Rowan County News could not find a picture of the militia or state guard here until Norman Wells brought in this picture. Noted on the back of the photo was the date it was taken—July 4, 1885. Troops are in front of the courthouse. This courthouse was replaced by the present one in 1898 or 1899. In all Rowan County has had three courthouses, this being the second. The first, a log affair, burned in 1880. No picture has been located of the first courthouse, but this edition does have in it a picture of the old jail. The war always quieted down when troops were here, but flared up again after their withdrawal.



A NOTE FROM JACK D. ELLIS

39-06

MRS GRAY WHO LIVES IN  
EDGE OF ELLIOTT CO. - NEAR  
CEMETERY WHERE TOLLIVERS ARE  
BURIED - SAID:

HER DAUGHTER - A COLUMNIST  
FOR THE DAYTON NEWSPAPER  
WROTE A STORY ABOUT THE  
ROWAN COUNTY WAR -  
SHE RECEIVED 1500 DOLLARS  
FOR WRITING THE STORY ...  
DATED ? ?

550 W. SUN STREET  
MOREHEAD, KY 40351  
606-784-7473

# Battlefield forum

Scholars dedicated to preserving the cultural and historical significance of battlefields will gather at MSU for a special conference on Friday and Saturday, April 16 and 17.

The international conference "Identities Through Battlefields" will offer a forum for discussions and presentations not only on past conflicts throughout the world, but the importance of maintaining those battle sites within communities.

Dr. Adrian Mandzy, MSU assistant professor of history, is coordinating the conference, which will begin at noon on April 16 at the conference center at the Morehead Ramada Inn. Other conference sessions on April 17 will be held on campus in the Riggle Room, Adron Doran University Center. The event also will include a Rowan County war site tour conducted by Dr. Jack Ellis, emeritus director of the University's Camden-Carroll Library.

Conference presenters will be scholars from several U.S. states, as well as England and Australia.

Session topics on the agenda include: "Battles and Castles of Jordan;" "Revolutionary Armies from the 1649 Cossack War and Siege of Zbarazh;" "The Depiction of African Americans as Battlefield Heroes;" "Creating a Civil War Heritage Trail based on John Hunt Morgan's 1864 Raid;" landscape and archaeology and Civil War site interpretation.

The conference is sponsored by the Kentucky Heritage Council, the Kentucky Association of Central and East European Studies, and MSU's Office of International Education and Department of Geography, Government and History.

The historical lectures and presentations are free and open to the public. Meals and other portions of the conference require preregistration and payment. Additional information about the conference is available by calling Dr. Mandzy at 783-2898.

Theatre in Breckinridge Hall.

Admission is \$8 for adults. Tickets for non-MSU students and senior citizens are \$3 and free for MSU students with valid ID. Reservations may be made by calling the Theatre Box Office at 783-2170. Tickets also will be sold at the door, if seats are available.

## Guest speaker

MSU's Interdisciplinary Women's Studies Program will host Dr. Judy Goldsmith, associate professor of computer science at the University of Kentucky, on Wednesday, April 14, for a campus lecture.

Dr. Goldsmith will present "Artificial Intelligence: The 'Wife' of the 21st century?" at 6 p.m. in the Commonwealth Room on the third floor of ADUC. The event is free and open to the public. A reception will follow the lecture.

## PKP banquet

The annual spring banquet of the MSU chapter of the National Honor Society of Phi Kappa Phi will be held on Thursday, April 29, on campus.

The 7 p.m. dinner will be held in the Crager Room of the ADUC. Reservations for the dinner are necessary, and must be made by Friday, April 9. The cost is \$20 per person, and checks should be made payable to Phi Kappa Phi. Reservations should be mailed to Dr. Dan Connell, Phi Kappa Phi secretary, 308 Allie Young Hall, 150 University Boulevard, MSU, Morehead, KY 40351. Additional information is available by calling at 783-2779.



University Communications  
11 Allie Young Hall  
Morehead, KY 40351-1689



C. HUMPHREY AND RAYBURN. SINCE NO WARRANT WAS SHOWN THESE TWO REFUSED. CRAIG TOLLIVER ENTERED THE HOUSE AND WAS SHOT IN THE FACE WITH A SHOTGUN BY HUMPHREY. TOLLIVER'S FRIENDS RUSHED IN AND DRAGGED HIM TO SAFETY; THEN THEY SURROUNDED THE HOUSE AND BEGAN SHOOTING. SUSAN MARTIN, ONE OF THE DAUGHTERS, RAN FROM THE HOUSE AND WAS SHOT AT BY CRAIG TOLLIVER. SHE HID IN A DITCH UNTIL NIGHT AND THEN RAN TO MOREHEAD, BUT WAS PUT IN JAIL; AND NO ASSISTANCE WAS GIVEN THE BESIEGED.

IN THE LATE AFTERNOON HUMPHREY AND RAYBURN RAN FROM THE HOUSE ACROSS THE FIELDS, WITH THE TOLLIVERS RUNNING AND SHOOTING AFTER THEM. HUMPHREY ESCAPED, BUT RAYBURN WAS KILLED IN A FIELD AND HIS BODY WAS LEFT LYING UNTIL THE NEXT DAY WHEN THE COR-



THE TOWN. IN A 2½ HOUR GUN BATTLE CRAIG, JAY AND BUD TOLLIVER AND HIRAM COOPER WERE KILLED.

A DETACHMENT FROM THE LOUISVILLE LEGION WAS SENT TO MOREHEAD AND REMAINED FIVE WEEKS. THE CIRCUIT COURT RELEASED ALL OF THOSE INDICTED IN THE KILLINGS OF JUNE 22, AND MOREHEAD WAS ONCE MORE A LAWFUL COMMUNITY.

FROM "KENTUCKY'S FAMOUS FEUDS AND TRAGEDIES" BY CHARLES G. MUTZENBERG AND ROBERT MOSS, MT. STERLING, KY.

ucky All Over" will pay \$2 and up for personal experiences it can use or for true stories and oddities, with references. Address Edwin Finch.

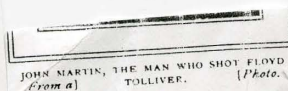
SUND

in a hail of bullets from Boone Logan and his followers. The battle raged for two hours. One of the humerous happenings which has been recorded for posterity was the fact that one of the Tollivers, young Cal Tolliver, was shot in the pants and lived. Cate Tolliver surrendered. Again troops came to Morehead to restore order. Except for the high feelings on both sides, some of which probably remains to this day, the Rowan County War was over.

While the excitement over the shooting was at its height the result of the election was announced, giving victory to the Democratic party. This infuriated the Republican leaders still more. They were certain that their murdered men had been the victims of partisan feeling, and they clamoured for the detection and punishment of the guilty parties.

The entire county was soon in a commotion. The women and children trembled with fear and apprehension, while the men folk collected in crowds in every place throughout the county and discussed the result of the election, the crime, and the possible apprehension of the murderer. Suspicion pointed to Floyd Tolliver, an hotel proprietor in the town of Farmers, eight miles from the county seat, but this suspicion was based solely upon his well-known party prejudices and the fact that he was close to the scene of the murder when the officers arrived. He was a man of prepossessing appearance, tall and well-built, and of a jovial temperament. It seemed preposterous to his friends to think that he was capable of such a crime.

For months nothing happened, and one day in the February following Floyd Tolliver went to Morehead to purchase supplies for his hostelry. It being the regular county court day many citizens were there, some to attend to their claims and business and others for pleasure. Conspicuous among the latter class was John Martin, a champion of the Republican party and a well-known bully and desperado of Eastern Kentucky. Meeting Tolliver in the street that day about noon he greeted him pleasantly and invited



him to step across to the saloon at the opposite corner and join him in a social glass. Though there had been some bitter feeling between them, Tolliver, being a good-natured man, forgot all past differences and accepted the invitation, with no thought of impending danger. While drinking and talking together the shooting incident was mentioned, and a hot dispute ensued, whereupon Martin, true to a premeditated plan, shot Tolliver dead. The muffled sound of the pistol reached the officers at the court-house, and they were on the spot almost before the smoke had cleared away. Martin was discovered standing in the middle of the floor with his pistol in his hand, complacently marking on it the notch which chronicled

his ninth victim. The officers secured the doors and windows, and, seeing that escape was impossible, Martin surrendered without resistance.

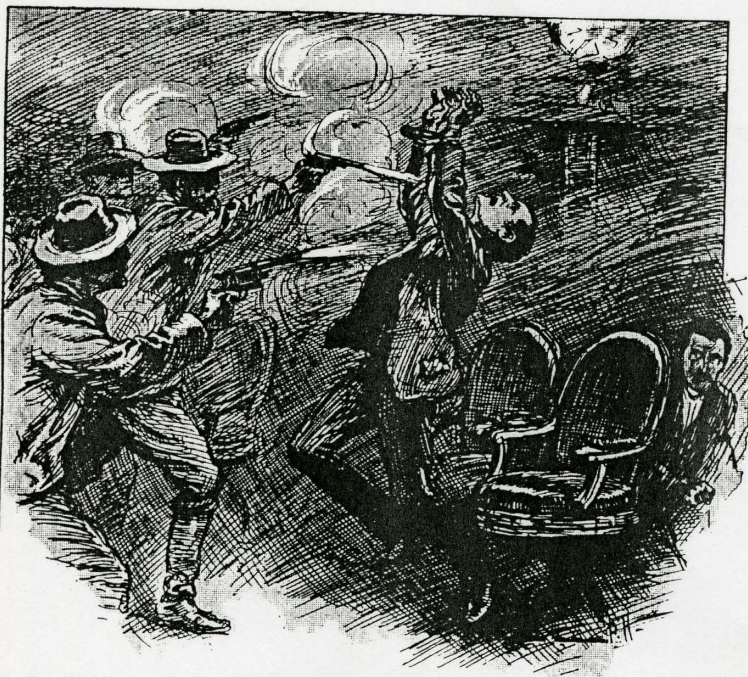
He was hurried to the county gaol a few yards distant, and in less than half an hour a strong guard had been placed around the building by a Republican marshal—ostensibly for the purpose of preventing the prisoner's escape, but believed by the Democrats to be for his protection against mob violence. Next day Martin was hastened to Winchester, a "bluegrass" town beyond the border of the feudal section. None too soon was this precaution taken, however, for in a dark and lonely ravine, known as "Gloomy Hollow," two miles from the town, were gathered twenty men who had determined to break into the gaol and kill the murderer of their friend Tolliver.

Although temporarily baffled, these self-consti-



and train came puffing in. They boarded train and were whirled away through the "blue-grass" country. Darkness enveloped everything, and an occasional twinkling light in a distant farm-house was the only thing to be seen. Shephard was taciturn, and seemed puffed in gloomy meditation; he was apparently very careless of his prisoner, but in matter of fact his eye never once wandered relaxed its vigilance. When they reached the town of Mount Sterling, some twenty miles from Farmers, he rose with a nonchalant air, and with a voice of studied carelessness said, "Come, Martin, let us go into the smoker and take a puff." It was at the hour of eleven that Shephard and his prisoner entered the smoking-car and seated themselves, Shephard placing himself on the side next the aisle.

and alarmed me, for I was aware of the great excitement that prevailed. Accordingly, as a measure of precaution, I jumped behind the stump of a gigantic tree to await the passing of the horsemen. As they drew near they slackened their speed and finally stopped and dismounted within 10ft. of me. I was almost paralyzed with fear, thinking that my presence would be discovered, but I soon found that they had only stopped to review some plan. I recognised each voice, and in a few moments was made acquainted with all the details of the terrible deed to be committed that night. They discussed the location of Shephard and his prisoner in the car. There were six of them, and I gathered that three would "hold up" the engineer while the others would locate the prisoner, shoot the lights out, and then attack him.



"MARTIN DROPPED MORTALLY WOUNDED."

Just at this hour I was hastening from my home in Farmers to the bedside of a dying friend. In order to reach the place quickly I took an old deserted road, and when hurrying along about a mile from the village I had just felt sounds of galloping horses' feet arrested me

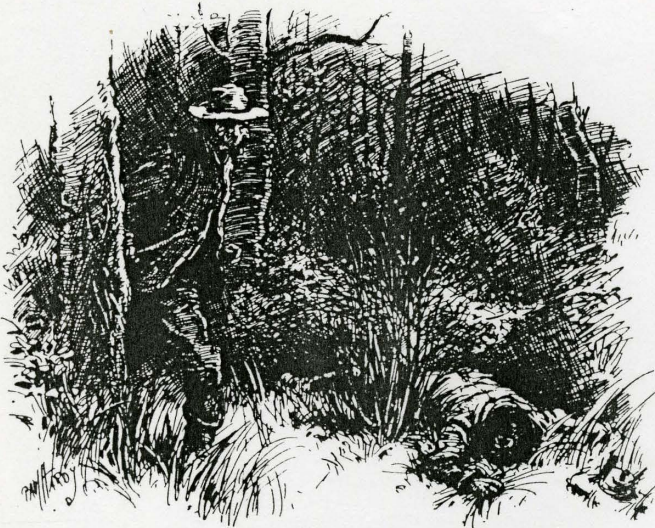
Shephard was to dodge beneath the seat to avoid injury to himself. After repeated instructions and careful cautions they remounted, and, hearing the whistle of the train in the distance, put spurs to their horses and galloped on.

I was rooted to the spot with horror. There

orse and dragged along the road, the horse's right being occasioned by something or someone just in front of the old, deserted Martin homestead.

Meanwhile John Shephard was sojourning in the Kentucky Penitentiary, having been sentenced to imprisonment there for a term of twenty-one years for killing an officer in Mount Sterling, who attempted to arrest him for some misdemeanor. While he was in the penitentiary he conducted himself so meritoriously as to get into the good graces of the warden, and to secure greater liberty than other criminals of his class. He pretended to become converted, and was a devout worshipper at the prison chapel. His good conduct, together with the untiring efforts of his friends, secured his release after an imprisonment of only five years. He returned

The day passed and he came not. Night came on and the woman watched anxiously, and still he did not make his appearance. The next day passed and the next night, and the poor wife was frantic. She had made but few friends, and could appeal to no one. The next morning, however, just as she had succeeded in interesting the police-officials and had got them to start in search of him, the news came that he was found. The man who found him was, according to his story, out hunting stray hogs, and when he reached the darkest part of "Gloomy Hollow," hearing the swine moving, he turned out of the path and proceeded in that direction. After going about 30ft. he was horrified to see the dead body of a man. It proved to be no other than Shephard—stone-dead, murdered!



"HE WAS HORRIFIED TO SEE THE DEAD BODY OF A MAN."

his native county apparently a changed man. While in prison he met a beautiful woman who attended the prison Sabbath school and taught the Bible. They were associated much together, and she was one of the most untiring in the effort to secure his release, and ultimately married him.

Shephard took a contract to oversee a timber tract in "Gloomy Hollow," and one day parted suddenly from his wife to go and assign the work to the labourers, assuring her that he would return in a few hours. But he never came back. Vol. ix.—42.

When the officers set to work to find the assassin, they found only the spot where beaten-down bushes had afforded him a place of concealment. The underbrush was broken and the earth trampled hard, showing that the murderer had been in ambush for several days, and that he knew the route travelled daily by his victim. It was evident to me that some of John Martin's avengers had been at work, although years had passed and the "Rowan County War" was supposed to have ceased and all the old enmity to have been buried. It was but



strife. He was drawn into the plot believing the act to be one of patriotism and of justice. He forged the fatal order, and a short time afterwards realized that he was a murderer, guilty of a dastardly crime. Being a man of tender conscience, he brooded until life became unbearable, and finally sought to drown his remorse in headlong dissipation. He finally came to an untimely end on the first anniversary of the night when he aided and abetted in the murder of John Martin. He died raving in delirium, beseeching the watchers again and again to "burn the order; burn the order." They, of course, did not understand him.

We will now follow the career of William Colton, a man who had served for year as one of the county's best officials. He continued to live in Morehead for some months after the Martin tragedy, and quietly pursued his avocation, which was the practice of law. But the fear of discovery lay heavy upon him, and he moved back farther into the mountains, to Martinsburg, thinking thereby to ensure his safety. Soon after he settled there a terrible crime was committed in the locality, and suspicion pointed to Colton. He was arrested, tried, and convicted, upon purely circumstantial evidence. The judge, as if inspired by Fate, fixed the day of the second anniversary of John Martin's death as the date of his execution! The convicted man was duly hung on the appointed day, although loudly protesting his innocence to the last moment. Three weeks later the real murderer, being no longer able to bear the weight of a guilty conscience, confessed to the murder and thus declared Colton's innocence. But it was too late! William Colton had gone to answer for his share in the tragedy at Farmers.

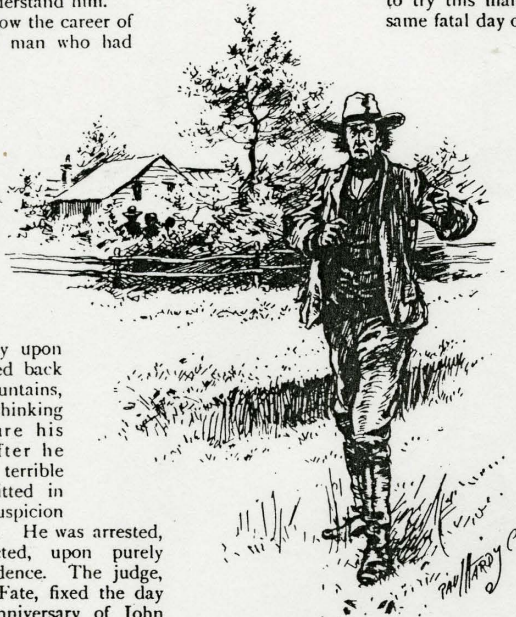
Some months later it was whispered that one of Morehead's most prominent citizens had become mentally unbalanced. For days he would walk and talk incessantly, and when unable to secure a companion in his rambles

would hold conversations with some imaginary person. This mood was followed by days of strictest seclusion. He was gloomy and taciturn, and would see none of his friends or acquaintances. His family kept the matter suppressed for weeks, until finally he conceived a maniacal hatred for one of his grown sons, addressing him always as "John Martin," and attempting to murder him whenever he came in sight. Family pride and filial love finally succumbed to fear, and his family had his sanity tested in court. Imagine, if you can, the feelings of the

writer when summoned on the jury to try this man for lunacy on the same fatal day of the year that John

Martin was shot!

It was the third anniversary. The man was sent to the Lexington Insane Asylum, and there he remained until the day of his death some few months later. I have since heard the officials who accompanied him relate that when the train reached the town of Farmers he became so violent that it required the assistance of four passengers to hold him down. No one could account for the agitating effect of that quiet, peaceable little village upon the diseased



"HE WOULD WALK AND TALK INCESSANTLY."

mind; but to one acquainted with the case, as I was, it seemed perfectly clear.

Three years had now passed, each bringing its terrible result to some one of the guilty band. I had in the meantime lost trace of John Wheeling, one of the chief plotters in the gang, and one whom I remembered as most noisy when discussing their plans on that fateful night. I chanced one day to pick up an Ohio paper, and was stricken speechless with astonishment to find the picture of John Wheeling—a prisoner awaiting trial for the murder of his father-in-law! I followed the



# A Walk Through Our History

From The Collection of  
Dr. Jack D. Ellis  
552 W. Sun St.  
Morehead, KY 40351  
606-764-1473



Morehead  
and  
Morehead  
State  
University™

## A Walk thru Morehead History

### 1. 102 WEST FIRST STREET

We begin our journey at the Kentucky Folk Art Center, which stands at the end of South Wilson Avenue on First Street. South Wilson was once known as Fairbanks Avenue. Francis Marion Tolliver erected the Morehead Wholesale Grocery in 1904. The company soon had a thriving trade throughout Carter, Rowan, Bath, and Elliot counties. F.M.'s son, Bert, ran the family business for many years after his father's passing in the 1930's. It was later sold at auction to Bill Richardson on the day that the last scheduled freight train came through Morehead. The Richardson family ran the business for several years until failing health forced another sale. The last buyer was Morehead State University, whose efforts resulted in the building's restoration and conversion into a museum known worldwide. This is the first of many Morehead buildings with a connection to the Rowan County War, or Tolliver-Martin Feud. F.M.'s brother, Craig Tolliver, led the Tolliver faction, and lost his life in a massive shootout on this very street in 1887.

Across the tracks from the front of the Wholesale Grocery is the original site of the Hargis Graveyard, one of Morehead's oldest. A good portion of the tombstones allegedly disappeared into a box car one night, so that the C&O might put in a siding....

### 2. 130 EAST FIRST STREET

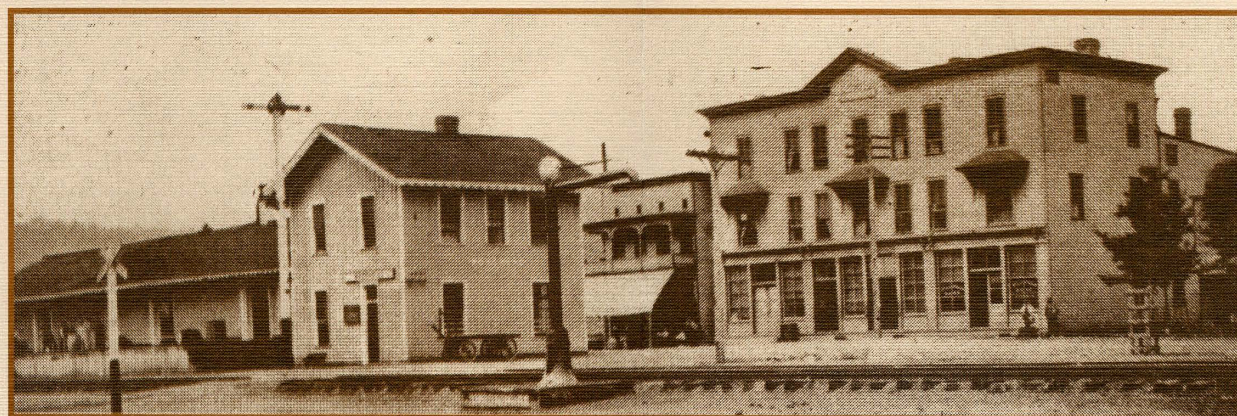
The next building to the east of the Kentucky Folk Art Center is the Freight Station Liquor Store. The railroad

reached Morehead by 1881 and this building served as the headquarters for all traffic, both freight and passenger. The earliest photos that we have of Morehead's first commercial district show the station nearly the same as it is today. The only notable change is the removal of the freight dock on the south side of the building to allow access to a drive up window. A large freight dock originally connected the Freight Station with the Wholesale Grocery, and extended some distance down the length of the Grocery. In many ways the Freight Station was the hub of Morehead for half a century. It figures prominently in the Tolliver-Martin Feud, and it is a fair guess that a close examination would reveal more than one bullet hole in its structure.

### 3. 109-113 EAST FIRST STREET

Directly across First Street between the Folk Art Center and the Freight Station stands the Bluestone Block. The bluestone industry was thriving in Rowan County by 1898. An old photo that shows this building also includes the Wholesale Grocery (1904) and the Gault House (replaced 1915) but the exact date of the Bluestone Block's construction has yet to be determined. The current structure served as the home of the Caudill-Blair Wholesale in the 1920's. Caudill-Blair was one of the hardest hit businesses in the June 1927 flood, suffering losses of over twelve thousand dollars. The building later housed Big Store Clothing.

FREIGHT DEPOT AND PEOPLE'S HOTEL, EARLY 1900'S







MSU: BUTTON AUDITORIUM, PRESIDENT'S HOME, FIELDS HALL

#### 4. 150 EAST FIRST STREET

The passenger depot, completed in 1909, is home today to the Tourism and Chamber of Commerce offices. Toward the end of the railroad's tenure in Morehead, this depot handled both freight and passengers. (The freight station was rented for storage by Barker's Big Store Furniture for many years.) This building would probably have been a parking lot today were it not for the tremendous efforts of Tom Calvert, former Economic Development Director, in finding the funding for its restoration.

#### 5. EAST FIRST STREET

The Cora Wilson Stewart Moonlight School. Cora Wilson Stewart founded a night school program to teach adult illiterates. Under her direction, the movement spread across the state, the country, and the world. A forceful and inspiring speaker, she was the second woman in history to receive a ballot for President of the United States.

#### 6. 206 EAST MAIN STREET

Continuing east on First Street, we eventually come to Bridge Street. On the corner of Bridge Street and Main stands the Dehner & Ellis law office, formerly the residence of Norman Wells. Wells stands out as one of Morehead's true "characters." A Spanish-American war veteran, he lived to be well over one hundred. Constructed of brick, brought over the Appalachians from Virginia, his home is the oldest brick building remaining in Morehead.

#### 7. OLD COURTHOUSE SQUARE

Directly across Main Street from the Wells' home is the Old Courthouse Square, which was donated to the coun-

ty, according to legend, by Isabel (Abby) Oxley. (No deed has been found to confirm this.) The first courthouse was burned during the Civil War. The second was removed so that the current old courthouse itself, constructed in 1899, could be built. It originally had a bell tower on its southwest corner. The doughboy statue was finished in 1929. The courthouse currently houses numerous clubs' headquarters, and desperately needs to be renovated and put to a use that would encourage visitation.

To the rear of the Courthouse is the Old County Jail, a WPA era Construction. The county currently uses it for storage.

Across from the jail on the back side of the square stands the old Superintendent's office. The Board of Education attempted an auction of the site several years ago. It had to be canceled when the county attorney pointed out that the county still owned the land and the original agreement was only for the Board to have the use of the land as long as the building was being used by the Board. Possession being nine tenths of the law, the Board promptly found another use for the building, and there the matter sits.

#### 8. MSU HISTORIC DISTRICT

Continuing away from Main Street along University Boulevard, we soon come to the campus of Morehead State University, where nine buildings are listed on the national historic register.

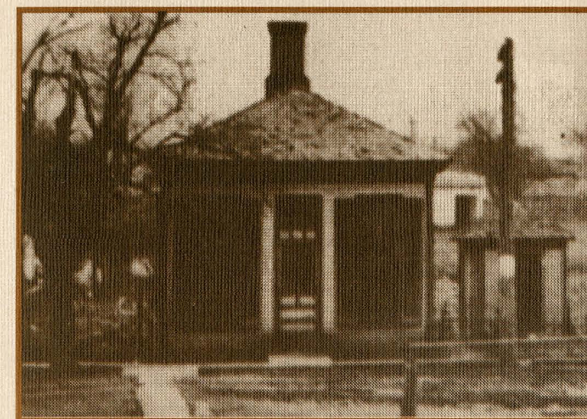
Plagued with declining enrollment, the old Morehead Normal School had closed its doors in May of 1922, having accomplished its original mission of bringing peace and education to feud torn Rowan County. It might well have been as much a memory as the Morehead

Cosmograph Factory, were it not for the work of two remarkable Morehead Citizens.

The first of these was Cora Wilson Stewart, whose efforts in advancing adult literacy via the Moonlight School program raised educational awareness in our state. Due in large part to this campaign, the Kentucky Legislature allocated funds for two state normal schools in 1922, one in eastern Kentucky.

Ashland, Louisa, Morehead, Paintsville and West Liberty all lobbied for the new school. The commission formed to study the sites soon eliminated the other contenders, deadlocking on Morehead and Paintsville. The tie was broken in November of 1922, when W.S. Wallen, who had practiced law at Consolidated Coal with Allie Young, came to Morehead, toured the old MNS campus and changed his vote.

State Senator Young, renowned for his political savvy, pushed a building program through the legislature that in seven years completely rebuilt the campus. Designed by Joseph and Joseph Architects, the nine new buildings were constructed along the crescent moon plan. From west



ALLIE YOUNG LAW OFFICE

east they are: Senif Natatorium (1932), Button Auditorium (1928), the President's Home (1929), Fields Hall (1926), Camden Library (1931), Allie Young Hall (1926), Rader Hall (1926), Thompson Hall (1927) and Breckinridge Training School (1931).

#### 9. 119 UNIVERSITY BOULEVARD

Having completed our mini tour of Morehead State, we return past the Courthouse Square. Directly across University Boulevard sits a small frame building. It's

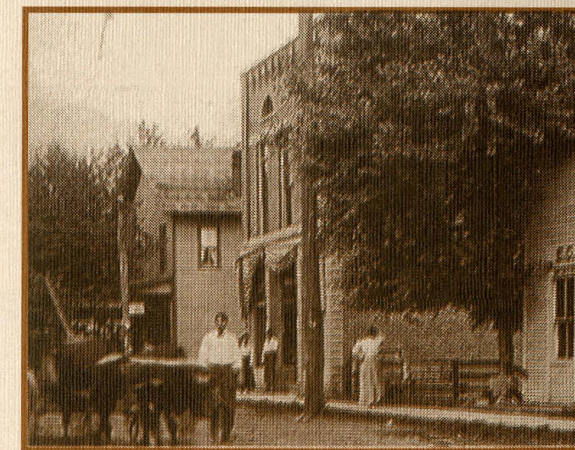
unimposing exterior belies it's rich history, for it has stood at its present location for over one hundred years. During most of that time it has served as a law office, first for Z.T. Young, later for his son Allie. There Allie engineered the successful campaigns of Governors Goebel and Beckham, and successfully argued the greatest case of his career, the case for the school that blossomed into Morehead State University. Now owned by the University, his office is undergoing renovation.

#### 10. 175 EAST MAIN STREET

The next building south from the law office on University Boulevard is commonly called the Cozy Building. It occupies the site where the old Gault House (a prominent Feud building) stood and was constructed in 1915 by J.F. Knapp. One of only two buildings in the world of its kind, it is entirely constructed of sawed bluestone bricks, over 15,000 in all. The front of the building has had some alteration. It serves as another interesting benchmark, as the high water mark of the '39 flood was one of the front steps. The building has housed many businesses over the years, but the most famous are Battson Drug and the Cozy Theatre (later called the Mills Theatre).

#### 11. 105 EAST MAIN STREET

Proceeding west on Main Street for several blocks, we find the former post office, now the Morehead City Hall. The building was a WPA construction project. A portion of what made it special, a mural and several stone emblems on the front, were removed and incorporated into the design of the new post office on West First Street.



PIERCE BLAIR'S STORE

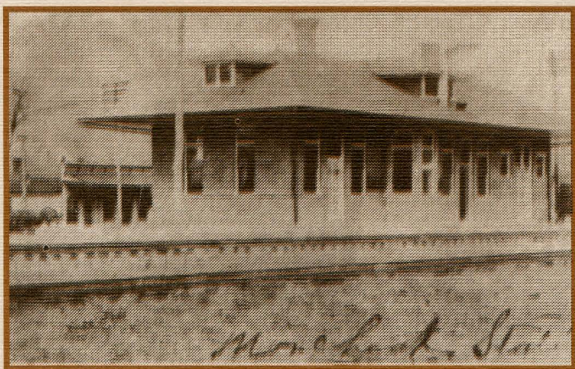


## 12. 102 WEST MAIN STREET

Our circular tour concludes with a visit to the building that now houses the Food Stamp office, at the corner of Main and South Wilson. The age of the building is not known, but photographs show that it housed Pierce Blair's store circa 1909. Newspaper accounts state that Blair opened a store on the corner of Main and Fairbanks in March of 1916. Blair had considerable dealings with the Morehead and North Fork Railroad, a beloved local short line which ceased operation in 1973. One of the M&NF's old steam engines, Number 12, remains in storage in Clearfield. Number 12 is a potential tourist attraction for anyone with the funds to obtain and move it.

The Folk Art Center, where we began our tour, is a block south on Wilson Avenue.

Text and research by Fred Brown, Juanita Blair, Jack Ellis, Gary Lewis and Ethel Jones. Editing by Helen Surmont and Barry Bowersock. Design by Heather Benson.



PASSENGER DEPOT

**ANOTHER MOREHEAD TOMORROW PROJECT  
FUNDED BY THE MOREHEAD RECREATION AND  
TOURISM COMMISSION**

ROWAN COUNTY WAR  
1884-1887

## LIFE AMONG THE HILLS

A SONG COMPOSED ON THE ROWAN COUNTY  
TROUBLE

Come all you fathers and mothers,  
Sisters and brothers,  
I will relate the history of  
The Rowan County Crew,  
Concerning bloody Rowan,  
And many heinous deeds,  
I pray you pay attention,  
And remember how it reads.

It was in the month of August,  
On election day,  
John Martin was shot and wounded,  
They say by John Day.  
Martin could not believe it,  
He could not think it so.  
He thought it was Floyd Toliver,  
Who shot the fatal blow.

They shot and killed Sol Bradley,  
Pure, sober, innocent man.  
He left his wife and loving children  
To do the best they can.  
They wounded Ed Sizemore;  
Although his life was saved,  
He seemed to shun the grog shop  
Since he stood so near the grave.

Martin did recover—  
Some months had come and passed;  
It was in the town of Morehead,  
The men both met at last;  
Martin and a friend or two  
About the streets did walk;  
He seemed to be uneasy  
And no one wished to talk.

He stepped into Judge Carey's grocery,  
And stepped up to the bar  
But little did he think, dear friend,  
He'd met his fatal hour.  
The sting of death was near him,  
Martin rushed in at the door,  
A few words passed between them  
Concerning the row before.



The people all were frightened,  
All rushed out of the room;  
A ball from Martin's pistol,  
Laid Toliver in the tomb.  
His friends soon gathered around him,  
His wife to weep and wail;  
Martin was arrested,  
And soon confined to jail.

He was placed in jail in Rowan,  
There to remain awhile  
In the hands of law and justice,  
To bravely stand his trial.  
Some people talked of lynching him,  
At present though they failed;  
Martin's friends removed him  
To the Winchester jail.

Some persons forged an order,  
Their names I do not know,  
This plan was soon agreed upon,  
For Martin they did go.  
Martin seemed to be uneasy,  
He seemed to be in dread;  
"They have set a plan to kill me,"  
To the jailer Martin said.

They put the handcuffs on him,  
His heart was in distress,  
They hurried to the station,  
Stepped aboard the night express.  
Along the line she lumbered,  
At her usual speed;  
They were only two in number  
To commit the awful deed.

When they arrived at Farmer's  
They had no time to lose,  
A man approached the engineer  
And told him not to move.  
They stepped up to the prisoner  
With a pistol in their hands,  
In death he soon was sinking,  
He died in iron bands.



## LIFE AMONG THE HILLS

He was in the smoking car,  
Accompanied by his wife;  
They did not want her present,  
When they took her husband's life.  
She heard the horrid sound,  
She was in another car;  
She cried, "Oh, Lord, they've killed him,"  
When she heard the pistol fire.

The death of those two men  
Has caused great trouble in our land,  
Caused men to leave their families  
And take the parting stand.  
Relations still at war;  
O, will it never cease?  
O, God, I would like to see  
This land once more in peace.

They shot the deputy sheriff,  
Bumgardner was his name;  
They shot him from the bushes  
After taking deliberate aim.  
The death of him was dreadful,  
May it never be forgot;  
His body was pierced and torn  
By thirty-three buckshots.

I composed this as a warning,  
Beware, young men, my friends;  
Your pistol will cause you trouble,  
On this you may depend.  
In the bottom of the whiskey glass  
The lurking devil dwells;  
It burns the breath of those who drink it,  
And sends their souls to hell.



## The Tolliver-Martin or Logan Feud.

On June 22, 1887, the battle was fought which settled for all time the controversy between the Tolliver faction and the Martin or Logan faction in Rowan county. No other feud in Kentucky had given the State officials so much trouble. The Governor sent the military arm of the government to Morehead on several occasions; so long as the company of soldiers remained there everything was quiet, but immediately upon its withdrawal the trouble between them was renewed. Governor J. Proctor Knott did everything he could to settle the feud but all efforts failed. At one time he sent the Attorney-General, P. Watt Hardin to prosecute the cases which were tried before a special judge. All that General Hardin succeeded in doing, was to get some of the Tollivers indicted for carrying concealed deadly weapons.

The Governor succeeded, at one time, in having a treaty of peace signed by the leaders of the factions in which they swore that they would keep the peace for all time and which they did actually keep for nearly a year. This peace was terminated by the fight in which young Will Logan was killed. After this, Cook Humphrey and Craig Tolliver agreed to leave the State forever, and this agreement was kept for about four months.

During the session of the Kentucky Legislature in the year 1887, there was a joint resolution passed by the general assembly, for the purpose of investigating the troubles in Rowan county.

The joint committee from Senate and House, appointed pursuant to this resolution, made its report through Hon. John K. Hendricks, chairman, on March 6, 1888. This report was in part as follows: "Your committee finds from the evidence that the feud and lawlessness in Rowan county



## THE TOLLIVER-MARTIN FEUD.

commenced in August, 1884, and grew out of the election of W. Cook Humphreys as sheriff of the county. On the day of the August election, one Soloman Bradley was killed in a street fight and a dispute arose as to whether Floyd Tolliver or John Martin did the killing. Bradley was a Republican and a friend and partisan of said Humphrey, and from the date of that killing and for some months afterwards the feuds partook of a political nature. Cook Humphrey and his followers representing a Republican faction and Craig Tolliver and his followers a Democratic faction. (1)

“ On December 2, 1884, Floyd Tolliver was killed in a barroom difficulty by John Martin. Martin at the time being a member of the Humphrey faction.

“ On December 10, following, John Martin was assassinated at Farmers, in Rowan county, while in charge of the officers of the law under a forged order to bring him from the Winchester jail, in Clark county, to Morehead, to stand his examining trial.

“ From that time forward, open murders and secret assassinations followed in quick succession until June 22, 1887, when the principle leaders of one faction of the marauders and murders were killed in an attempt to arrest them.

“ From August, 1884, to June 22, 1887, there were twenty murders and assassinations in the county and sixteen persons wounded who did not die, and all this in a county whose voting population did not, at any time, exceed eleven hundred, and during this period there was not a single conviction of murder, manslaughter or wounding, except for the killing of one Hughes who was not identified with either faction.”

In the year 1884, Cook Humphrey, a young man of twenty-five and a Republican, and Sam Gooden, a Democrat, were candidates for sheriff of Rowan county which



## THE TOLLIVER-MARTIN FEUD.

county was ordinarily Democratic. The contest was very bitter, Gooden lived in Morehead and Humphrey lived on his fathers farm about seven miles from town. Humphrey was elected by a majority of twelve votes. On election day a man by the name of William Trumbo and a man by the name of Price quarreled, this quarrel ended in a fist fight; while the fight was in progress, John Martin, a son of Ben Martin, a well-to-do farmer, was struck in the face with a heavy instrument and one of his teeth was knocked out and his head badly bruised. He afterwards said that John Day and Floyd Tolliver struck him and knocked him down; when he got up he drew his pistol and the other men also drew their pistols; in the battle which followed, Solomon Bradley, a middle-aged man with seven children who was standing near, was shot through the head with two bullets. The Martins claimed that John Day killed him and the Tollivers claimed that John Martin did it. Ad Scyremore, another man who was not connected with the trouble, was shot in the neck but was not fatally wounded. It never was decided who did the shooting. From this killing the Tolliver-Martin feud originated, the relatives of each family allied themselves to their kindred until almost the entire county became involved, with reinforcements from Elliott and Carter counties.

— Old man Martin, who resided a short distance from Morehead, had three sons, John, Will and Dave who resided near him. There were also several Tollivers, Marion and Craig at that time lived in Morgan county and Floyd lived in Rowan, Bud, Jay and Wiley Tolliver were their cousins and they lived in Elliott. Mace Keeton, Jeff and Alvin Bowling, Tom Allen Day, John Day, Boone Day, Mitch Day, Jim Arksley, Bob Messer and others who were engaged in the feud were Democrats and lived in Rowan. The Martins were Republicans and they were the friends and supporters of Cook Humphrey. The Logans were also



## *THE TOLLIVER-MARTIN FEUD.*

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Republicans and friends of Humphrey. Matt Cary, the county clerk, was also a Republican. All of these parties resented the death of Solomon Bradley.

In December following the August election, John Martin went to Morehead where he met John Day, Sam Gordon and Floyd Tolliver. Tolliver went up to Martin and said, "John, you have been wanting to bulldoze me, but I am not going to permit it." Martin said, "I have not tried to bulldoze you Floyd." Tolliver said, "Yes, by God, you have and I am not going to permit it, I want you to understand me." Martin left him and went into the barroom of the hotel, then called the Galt House, and Tolliver followed him; on the inside Tolliver repeated his threats and at the same time he put his hand in his pocket. Martin then said, "Well if you must have a fight, I am ready for you." Both of them drew their pistols at the same time but Martin fired first and Tolliver fell mortally wounded. His friends rushed to his assistance and Tolliver said to them, "Boys remember what you swore to do, you said you would kill him and you must keep your word." Immediately after the killing Martin gave himself up to the lawful authorities. The members of the Tolliver faction were greatly enraged at the death of Floyd, and Martin was hurried off to Winchester to prevent a mob from hanging him. He had been there six days, when five men arrived with an order signed by the proper authorities, commanding the return of Martin to the jail at Morehead. It was claimed by the Martins that these five men were Alvin Bowling, Edward and Milt Evans and two other men named Hall and Eastman. The order they had was forged. The jailor gave Martin to them although he prayed to the jailor, not to do so. Martin's wife was in Winchester and she went back to Morehead on the same train which took her husband but she did not know at the time, that he was on the train. When they reached Farmers, a small town a few



## THE TOLLIVER-MARTIN FEUD.

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miles from Morehead, the train was boarded by a large body of masked men. Martin was handcuffed and was perfectly helpless. The mob filled him with lead. No one was ever arrested for the crime.

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The third victim was also a Martin man and a deputy of Sheriff Cook Humphrey, his name was Stewart Bungardner. He was a native of Elliott county, but he had lived for a few years in Rowan. In March, 1885, he was riding along the public road, about six miles from Morehead, when he was shot from ambush and killed. The names of the assassins were never known; when the body was examined it was found torn to pieces, several charges of buck-shot had been fired into the neck and chest and numerous bullet holes were found in other portions of the body. The Martins charged the Tollivers with the murder, but no arrests were made. In the following month Taylor Young, the County Attorney of Rowan county was the father of Allie Young who was afterwards Circuit Judge and of William Young, who later, was also Circuit Judge of the same judicial district, was shot from ambush and severely wounded. Young was a man of more than ordinary ability and much superior to the other men who were recognized as members of the different factions. He was a lawyer of ability and of good standing in the community. He disclaimed any connection with either the Tolliver or Martin faction, but the Martins claimed that he was a Tolliver adherent.

Some time after the bullet was fired into Taylor Young's shoulder, Ed Pierce was arrested in Montgomery county on the charge of highway robbery. He was tried in the Montgomery Circuit Court and sentenced to seven years in the penitentiary. While he was in the Montgomery county jail Pierce confessed that he and Ben Rayburn ambushed Young but he claimed that Rayburn fired the bullet which lodged in Young's shoulder. He said that Cook Humphrey



## THE TOLLIVER-MARTIN FEUD.

had promised them two dollars a day and all the whiskey they wanted while watching for Young, and two hundred and fifty dollars when they killed him.

The fourth man killed was another deputy of Cook Humphrey. He was a visitor at the Martin home. The Martin home was a substantial two story building, the front of which was frame and the balance of logs; it stood about thirty feet from the public road and about seventy-five feet from the C. & O. Railroad. There was a steep hill back of the house which was covered with trees and undergrowth.

Mrs. Martin said, " Craig Tolliver and his gang came to my house early in the morning after Cook Humphrey and Ben Rayburn. At that time there was no one living at my house except women. Beside myself there were my two grown daughters, Susan and Annie, my little daughter Rena, also my married daughter, Mrs. Tusser, was at my house the day Rayburn was killed. My husband had gone to Kansas. He had received several warnings that he would be killed if he didn't go and we women folks persuaded him to leave although he did not want to do so. My two sons, Will and Dave, had also been threatened and they too had gone to Kansas. It was Sunday when the Tollivers came. Cook Humphrey and Ben Rayburn were at my house. They spent the night there. Cook was in the habit of coming to our house and the children always treated him as a brother. The Tollivers found out that they were there because the night before Humphrey was afraid that they might want to kill him and he slipped into Morehead after his Winchester which he had left there. They saw him and the next day they came after him. They knew that there was somebody with him but they did not find out that it was Rayburn until after they had killed him. They hid in the bushes around the house. In the party was Craig Tolliver, Mark Keeton, Jeff Bowling, Tom Allen Day, John Day, Boone



## THE TOLLIVER-MARTIN FEUD.

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Day, Mich and Jim Ashley, Bob Messer and others whose names I did not know. Tolliver was town marshal of Morehead at that time and he claimed that he had warrants for the arrest of Humphrey and Rayburn on the charge of attempting to assassinate Taylor Young, but they never had any warrants. The Tollivers came in the yard and demanded that Humphrey and Rayburn surrender; they asked them to show their warrants and as they could not, they refused to surrender. Then the Tollivers hid all around the house and began to shoot. Rayburn had no arms except a pistol. Humphrey had a Winchester rifle and a shotgun. The Tollivers were armed with Winchesters and shotguns. Craig Tolliver slipped into the yard and got inside the house. He was creeping up the stairway when Humphrey discovered his presence, seized the shotgun and discharged it into his face. Tolliver fell back down the steps and his friends rushed in, grasped him by the legs and dragged him out of danger. He was carried away and took no further active part in the seige. He was badly scarred by the load of shot but quickly recovered. The half-grown boy was at work in the field. He approached the house and two shots were fired at him. The news of the affair was taken to Morehead but no one dared to go to the relief. Sue Martin made her escape out of the house. She was met by Craig Tolliver with his face covered with blood. He threatened to kill her if she dared to go to Morehead. She made a dash through the bushes and Tolliver fired two shots at her but she escaped and hid in a ditch until nearly night when she went to town where she was immediately arrested and placed in jail. In the afternoon the Tollivers threatened to set the house on fire if the two men did not surrender. About four o'clock Rayburn made an attempt to run for the bushes. Several hundred shots had by that time been fired. Mrs. Martin attempted to assist him; she went to the stable where Tom Allen Day, one of the best



## THE TOLLIVER-MARTIN FEUD.

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marksman was ambushed and when he prepared to shoot at the fleeing man she knocked up his gun. The two men rushed out of the eastern door, leaped the yard fence and dashed across the cornfield towards the mountain and forest. The entire Tolliver band rushed after them, firing as they went. They rested their guns on the yard fence and took good aim. The fugitives were over a hundred yards off when one of them fell. It was Rayburn. Humphrey escaped into the bushes and hid. The pursuers knew that he was armed with a Winchester and were afraid to go in after him. When the Tollivers reached Rayburn's body, they fired several more shots into it; they then robbed him and divided the money. After taking the money they went back to the house and left the body where it fell. They remained around the house and after dark Mrs. Martin said they set fire to it. She put out the blaze but they fired it again and the house and all the furniture was consumed. The women ran from the house and all of them except one daughter spent the night under a tree. The daughter went to Morehead where she was arrested and put in jail with her sister.

The next night Major Lewis McKee and one hundred and fifty soldiers arrived in Morehead; the Martin girls were released; there were no charges against them.

The Tollivers and Days were arrested and had an examining trial before two magistrates. The magistrates disagreed and the defendants were released.

The Tollivers claimed that they had warrants for the arrest of Humphrey and Rayburn and that they had a right to use as much force as was necessary to arrest them.

In a few months after that Jeff and Alvin Bowling, two of the prominent participants in these tragedies were tried in other courts. Jeff Bowling killed his father-in-law in Ohio and he was hung in the following August. His brother

## THE TOLLIVER-MARTIN FEUD.

Alvin killed Town Marshal Gill in Mt. Sterling and he was sent to the penitentiary for twenty-one years.

After the soldiers were returned from Morehead, Cook Humphrey, Howard Logan, Mat Casey and two or three others of their friends were beseiged in the Galt House in Morehead and several dozen shots were fired, but no one was killed. The doors to the hotel were riddled with bullets and the windows were shot out. After this Craig Tolliver and Cook Humphrey signed an agreement to leave Rowan county and never to return. In about four months after that Tolliver returned but everything remained very quiet for several months and when the time came to elect a police judge of Morehead, Craig said that he was now a peaceable man and a good quiet citizen and that the people ought to encourage him in his good behavior by electing him police judge of Morehead and he thereupon became a candidate for that position and he went out canvassing for votes with a Winchester rifle and in a short time thereafter all the other candidates withdrew. At the election, Craig received about fifty votes and he was duly declared elected. On the day of the election Craig Tolliver was standing near the voting place when Boone Logan came up to vote; the officer of the election asked him if he wanted to vote for police judge; Logan asked him who were candidates, and the officer said, Craig Tolliver was the only one and thereupon Logan said, "I will vote for——," and he named the most worthless man in town. The election to the position of police judge gave him power to issue warrants and this led up to the worst crime which was committed by either side, and that was the killing of the two Logan boys which occurred about two weeks before Craig and his followers were finally settled with.

Police Judge Tolliver issued a warrant charging the two Logan boys with kukluxing and placed it in the hands of Marshal Manning who, accompanied by a posse of twelve



## *THE TOLLIVER-MARTIN FEUD.*

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men including Craig Tolliver, went to Doctor Logan's about two miles from Morehead where his sons were staying and demanding their surrender. He told them that he had a warrant for them. The Logans knew the men in the posse and they were sure that their arrest simply meant their assassination and they declined to surrender. Manning and his men then attempted to enter the house, when Jack Logan the youngest of the boys fired and severely wounded him (Manning). The council of the elder Logan then prevailed and they gave themselves up to the posse under the promise that they should not be harmed and that they would be given a fair trial and that their houses should not be burnt. Thirty steps from the house, one of the posse told the boys that they must die there, and they were thereupon murdered. About twenty buckshot and pieces of slug were found in each of the bodies; after they were killed their faces were mutilated by kicking them in the face. Their bodies were afterwards buried in Doctor Logan's private graveyard. The Logan boys were considered extra fine young men. The youngest one of them was studying for the ministry. The real motive for the killing of these two excellent young men was, that Craig Tolliver wanted Dr. Logan convicted of the charge against him. Doctor Logan had been arrested on the charge of conspiring to kill Judge Cole and others and he had been sent to Lexington for safe keeping. His sons would have been witnesses in his behalf and their testimony would have doubtless cleared him of the charges and Tolliver concluded that the best thing he could do was to put them out of the way.

Up to this point seventeen men had lost their lives in the feud; among them were Solomon Bradley, John Martin, Whit Pelfrey, B. Caudelle, Deputy Sheriff Baumgartner, Mason, Keeton, John Marlow, John Davis, Wiley Tolliver, Witcher, Willie Logan, Ben Rayburn, John Day, Floyd Tolliver, John B. Logan and W. H. Logan. The killing of



## *THE TOLLIVER-MARTIN FEUD.*

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the two Logan boys was followed by a notification from Craig Tolliver to Boone Logan, another brother, to leave the county. Boone Logan was a lawyer and a quiet citizen. He left there and went to Frankfort to consult with Gov. Knott on the situation. Gov. Knott told him in the presence of Lileutant Governor Hindman that he was sorry that he had no official power to extend any relief to the citizens of Morehead; that everything the State could do had been tried and found unavailing as a remedy. It was currently reported at the time that Gov. Knott had told Logan that a private citizen could arrest a man if a warrant had been issued for him charging him with a felony. Whether Logan was advised what to do or whether he acted on his own initiative made but little difference in the final result. After the consultation with the Governor, Logan got into communication with Hiram Pigman, a merchant at Morehead who had been in trouble with Craig Tolliver. These two men secured the active cooperation of Sheriff Hogg and a systematic canvass of the best citizens of the county was made and they were requested to assist in bringing the Tollivers to justice. One hundred and thirteen men in Rowan county and surrounding counties were enlisted; and to secure arms for them Boone Logan went to Cincinnati and purchased sixty Winchester rifles, the rest of the men were provided with shotguns, muskets, etc., meetings were held and plans were formed. Warrants of arrest were issued charging murder, arson and other crimes and misdemeanors against Craig Tolliver, Jay Tolliver, Bud Tolliver, Andy Tolliver, Cal Tolliver, Burke Manning, Jim Manning, John Rodgers, Hiram Cooper, Boone Day, Bill Day, Tom Day and Sam Gooden. These warrants were placed in the hands of Sheriff Hogg and Wednesday morning at ten o'clock, June 22, 1887, was the time designated for the arrest. At three o'clock that morning one hundred and thirteen men under the command of Sheriff Hogg arrived in detach-



## *THE TOLLIVER-MARTIN FEUD.*

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ments at Morehead, and were stationed at seven different positions outside of the town limits and completely surrounded the town.

Craig Tolliver was apprehensive of an attack but he felt secure. He had heard of the citizens meeting and he started the report that a band of regulators was being organized to drive him out of the county. This was likely done to strengthen his own resistance to the authorities. He evidently felt confident of his ability to repel any attack, and he claimed that he and his men could whip a thousand regulators. He had been drinking for some time and was at that time under the influence of liquor; he was not aware of the feeling which existed against him since the killing of the Logans.

At eight o'clock the Tolliver forces were gathered at the American House; they were on the lookout for trouble. They were well armed as usual; Craig had two pistols and a belt full of cartridges. It was a quarter past eight when one of the posse named Byron was seen at the depot. Byron was armed with a Winchester and the Tollivers at once opened fire on him. Byron ran and the Tollivers pursued him, keeping up the firing. This precipitated the conflict. Men sprang from behind stumps, bushes and piles of lumber. A volley was poured into the Tolliver party which caused them to make a hasty retreat. They ran past the American House and towards the Central Hotel. The other squads of the posse came up and the action became general. The Tollivers continued their retreat and all of them but one reached the Central Hotel. The one who fell was Bud Tolliver with a wound which shattered his knee. He managed to crawl through the fence and conceal himself in some tall grass. The members of the posse wore no hats in order that they might, by this means of identification, avoid shooting each other. The Tollivers soon discovered that their enemies were bareheaded and threw away their



## THE TOLLIVER-MARTIN FEUD.

hats. By doing this several of them escaped. The battle lasted for two hours and a half and there was about two thousand shots fired. Tolliver and his men were driven from the hotel and Jay Tolliver was killed on the hill a short distance from it. Craig Tolliver ran down the street bareheaded in the direction of the Cottage Hotel, just as he reached the railroad about sixty feet from the Galt House a bullet struck him in the leg and he fell. He started to rise when he was struck by another bullet. There were at least fifteen men shooting at him. He made no effort to get up after the third attempt. As he lay there apparently dead the firing continued. He was shot through the head twice. Though the Tollivers were good shots they were not able to use their pistols with any effect. The only man in the posse who was wounded was Bud Madden, he was shot in the side by Cal Tolliver. One of the gamest fighters on the Tolliver side was Cal Tolliver, a boy of fourteen years of age. He was a nephew of Craig's. He was very small for his age. He did not seek the protection of trees and fences as many others did but he stood out boldly and fired his pistol like a veteran. One bullet passed through the seat of his trousers. When Craig Tolliver fell this boy ran to him and got the watch and pocketbook of the dead man.

Some members of the posse found Bud Tolliver in the grass where he had crawled to conceal himself. He was wounded and in a helpless condition. They placed their guns close to his head and fired several shots into his brain.

Hiram Cooper was found in a wardrobe in Allie Young's room at the Central Hotel. He was dragged from his hiding place and killed in the room.

Cal Tolliver crawled under a house near the Central Hotel and remained in hiding until late in the afternoon when he escaped to the woods. Andy Tolliver who was shot during



## THE TOLLIVER-MARTIN FEUD.

the engagement also made his escape. The two Mannings escaped by throwing away their hats, they continued their flight until they got out of the State. John Rogers also made his escape. Allie W. Young, who was at that time, the Prosecuting Attorney for Rowan county, was at Mt. Sterling which fact more than likely saved his life.

After the battle, a mass meeting was held at the courthouse at which Boone Logan and others made speeches. A citizens protective association was formed. They adopted resolutions declaring; "If any one is arrested for this day's work we will reassemble and punish to the death any man who offers the molestation."

The bodies of Craig, Jay and Bud Tolliver were taken charge of by the posse. They were washed, dressed and laid out in the public room of the American House. Coffins for the four bodies were ordered from Lexington. The Tollivers were taken to Elliott county for burial.

Craig Tolliver left a wife and two small children. He was a good husband and indulgent father. Marion Tolliver, a brother of Craig's, was a peaceable and well behaved citizen. He took no part in the feud.

Craig Tolliver's correct name was Talliaferro. His father came from Virginia and he was a well-to-do farmer of Morgan county. However, when Craig was a boy fourteen years of age his father had a lawsuit with a neighbor in which Tolliver was successful; there was a general bad feeling against him and after the trial was over, the unsuccessful litigant and a few of his friends went to Tollivers house in the night time and shot him to death while he was in bed. Craig was present and saw his father murdered; this happened about twenty years before Craig lost his life. After his fathers death the family moved to Elliott county where Craig grew into manhood. He carried weapons, practiced shooting, drank liquor and was a tough character as a boy and he grew worse as he grew older.

## THE TOLLIVER-MARTIN FEUD.

He went to Rowan county about five years before his death. He was six feet tall; thirty-six years of age; had light blue eyes; brown hair and he wore a large mustache and a small goatee. He was true to his friends and cruel to his enemies. Perhaps no gamer man ever lived in the mountains or elsewhere. He was poorly educated, shrewd and cunning and mild mannered except when in action. He was a typical desperado.

While the newspapers in all parts of the United States had much to say about Craig Tolliver, about the time of his death, no mention was ever made of any man who had lost his life from his hand. It seems that he directed others to commit deeds of violence but seldom took part in them. Tolliver made his living without any visible occupation or means of support but he always had plenty of money. Shortly before his death he engaged in the whiskey business and at the time of his death he owned two saloons in Morehead and he was also engaged in the hotel business.

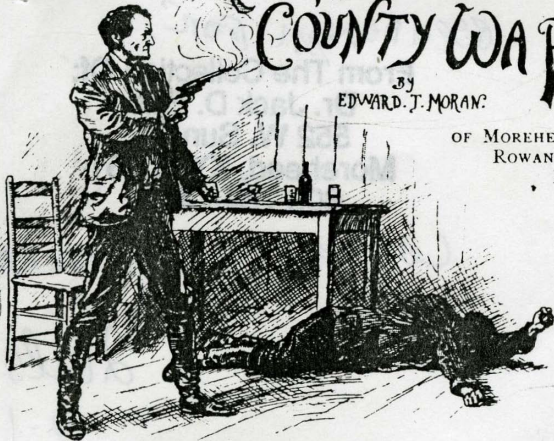


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# THE ROWAN COUNTY WAR.

By  
EDWARD J. MORAN.

OF MOREHEAD,  
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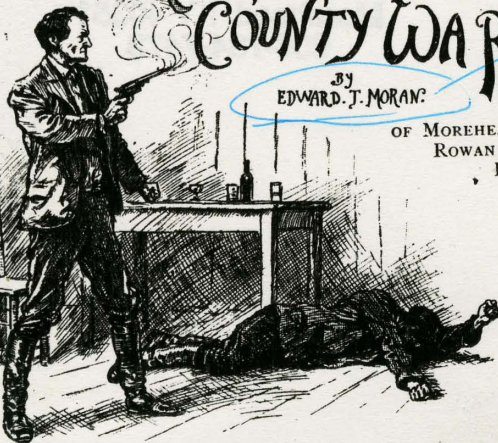
August, 1902

# THE ROWAN COUNTY WAR

BY  
EDWARD T. MORAN

OF MOREHEAD,  
ROWAN COUNTY,  
KENTUCKY.

This was  
Cora's  
Pseudonym



## THE INNER HISTORY OF A FAMOUS KENTUCKY FEUD.

This impressive narrative throws a lurid light on the conditions which prevail, even at the present day, in Kentucky. This account of the terrible Nemesis which overtook the seven conspirators, striking them down one by one on the very anniversary of their victim's death, will come as a revelation even to many Kentuckians who are conversant with the general details of the famous "Rowan County War."

**K**ENTUCKY feuds have long been celebrated in song and story,\* but no feud has ever been so expensive to the State, so demoralizing to the people, and so disastrous to life and property as the terrible "Rowan County War," which had its beginning and its end in the little town of Morehead. Blood flowed almost as freely as water, and both the county and State officials were powerless to prevent the great loss of life. Many are the thrilling narratives that have been written concerning this feud, but the greatest tragedy of the conflict, and doubtless the most mysterious ever enacted on Kentucky soil, has for years been locked securely in the bosom of the writer. All the participants having now gone to their rest, however, and secrecy being no longer necessary, I have decided to give it to the public in all its strange and terrible detail.

On the 10th day of August, 1882, the county election was held in Rowan County. At Morehead, the county seat, were gathered some of the most desperate men in the district. Excitement ran high, for everybody realized that the election meant more than the triumph of one section over the other and a division of party spoils, but that to the winning party it would mean great loss of life. While the more law-abiding citizens were discussing the best means of averting trouble a pistol-shot rang out, and answering ones promptly resounded through the air, proclaiming to the anxious throng who had collected to discuss measures of peace and compromise that their plans were thwarted and that the threatened trouble had actually begun. Police-officers hurried to the spot, where they found two men lying dead and one wounded. All were of the Republican party—two prominent partisans, while the other was an innocent bystander, who had committed no offence save to cast his vote for the party of his choice

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While the excitement over the shooting was at its height the result of the election was announced, giving victory to the Democratic party. This infuriated the Republican leaders still more. They were certain that their murdered men had been the victims of partisan feeling, and they clamoured for the detection and punishment of the guilty parties.

The entire county was soon in a commotion. The women and children trembled with fear and apprehension, while the men-folk collected in crowds in every place throughout the county and discussed the result of the election, the crime, and the possible apprehension of the murderer. Suspicion pointed to Floyd Tolliver, an hotel proprietor in the town of Farmers, eight miles from the county seat, but this suspicion was based solely upon his well-known party prejudices and the fact that he was close to the scene of the murder when the officers arrived. He was a man of prepossessing appearance, tall and well-built, and of a jovial temperament. It seemed preposterous to his friends to think that he was capable of such a crime.

For months nothing happened, and one day in the February following Floyd Tolliver went to Morehead to purchase supplies for his hostelry. It being the regular county court day many citizens were there, some to attend to their claims and business and others for pleasure. Conspicuous among the latter class was John Martin, a champion of the Republican party and a well-known bully and desperado of Eastern Kentucky. Meeting Tolliver in the street that day about noon he greeted him pleasantly and invited



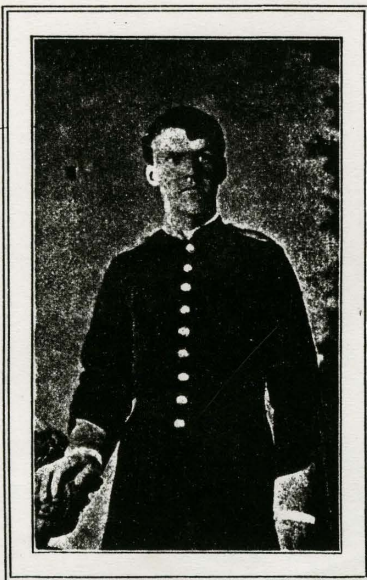
JOHN MARTIN, THE MAN WHO SHOT FLOYD TOLLIVER. [From a] [Photo.]

him to step across to the saloon at the opposite corner and join him in a social glass. Though there had been some bitter feeling between them, Tolliver, being a good-natured man, forgot all past differences and accepted the invitation, with no thought of impending danger. While drinking and talking together the shooting incident was mentioned, and a hot dispute ensued, whereupon Martin, true to a premeditated plan, shot Tolliver dead. The muffled sound of the pistol reached the officers at the court-house, and they were on the spot almost before the smoke had cleared away. Martin was discovered standing in the middle of the floor with his pistol in his hand, complacently marking on it the notch which chronicled

his ninth victim. The officers secured the doors and windows, and, seeing that escape was impossible, Martin surrendered without resistance.

He was hurried to the county gaol a few yards distant, and in less than half an hour a strong guard had been placed around the building by a Republican marshal—ostensibly for the purpose of preventing the prisoner's escape, but believed by the Democrats to be for his protection against mob violence. Next day Martin was hastened to Winchester, a "blue-grass" town beyond the border of the feudal section. None too soon was this precaution taken, however, for in a dark and lonely ravine, known as "Gloomy Hollow," two miles from the town, were gathered twenty men who had determined to break into the gaol and kill the murderer of their friend Tolliver.

Although temporarily baffled, these self-consti-

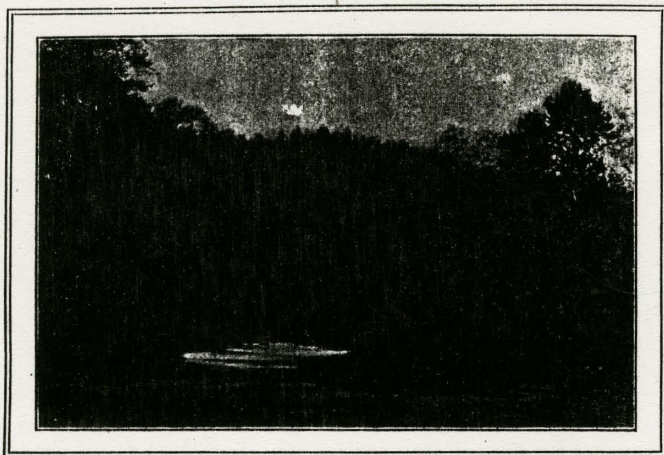


MR. FLOYD TOLLIVER.

From a Photo. by C. H. Bryan, Mt. Sterling, Ky

tuted avengers were not beaten, and their leader—one Shephard—arranged another meeting in the Hollow for the following Thursday. Mean-

ruin and untimely death to each of the participants. Shephard's plan was as follows: An order was to be forged, purporting to be from



*From a*

"GLOOMY HOLLOW," WHERE THE AVENGERS OF FLOYD TOLLIVER MET.

*[Photo.]*

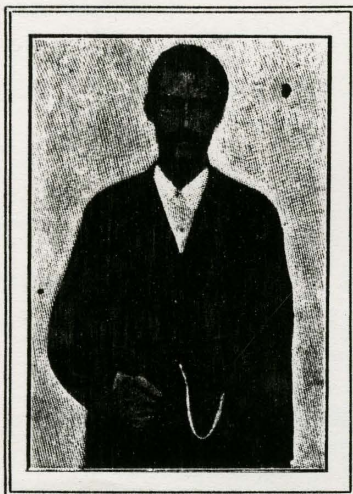
while Martin, in the custody of the sheriff, and accompanied by a devoted and sorrowful wife, was speeding away toward the peaceful town of Winchester. His friends now busied themselves with schemes for his escape. They met, and plotted how they might secure his freedom. The other faction, however, were occupied with a plot, intricate and dreadful, for the immediate execution of the guilty man.

The crowd of avengers met, as arranged, on the Thursday night. All were dismissed save seven of the shrewdest and most trusty, the others being conciliated by the assurance that they would be called together again when the plot was complete. Plans were then submitted and discussed, but none found universal favour until Shephard unfolded his scheme. It was a simple idea and one easily executed, but was ultimately to bring

the county judge to the gaoler at Winchester, ordering him to deliver up Martin to the bearer of the order. Shephard—who was then marshal of the town of Farmers—would present

this order and take the prisoner. Once in his custody Martin would never escape. The other six conspirators were to board the train at Farmers and "hold up" the train while the others shot Martin.

Shephard duly presented himself at the Winchester Gaol on the Saturday night following and delivered the forged order to the gaoler, who had no suspicion of the real state of affairs. Shephard waited for his prisoner at the entrance. Not a word of greeting was exchanged between them, and after parting from the gaoler Shephard, accompanied by the prisoner, walked rapidly to the railway dépôt, reaching it just as the east-



JOHN SHEPHARD, WHO PRESENTED THE FORGED ORDER  
*From a* FOR MARTIN'S REMOVAL. *[Photo.]*



and train came puffing in. They boarded the train and were whirled away through the "blue-grass" country. Darkness enveloped everything, and an occasional twinkling light in a distant farm-house was the only thing to be seen. Shephard was taciturn, and seemed dropped in gloomy meditation; he was apparently very careless of his prisoner, but in matter of fact his eye never once wandered relaxed its vigilance. When they reached the town of Mount Sterling, some twenty miles from Farmers, he rose with a nonchalant air, and with a voice of studied carelessness said, "Come, Martin, let us go into the smoker and take a puff." It was at the hour of eleven that Shephard and his prisoner entered the smoking-car and seated themselves, Shephard placing himself on the side next the aisle.

and alarmed me, for I was aware of the great excitement that prevailed. Accordingly, as a measure of precaution, I jumped behind the stump of a gigantic tree to await the passing of the horsemen. As they drew near they slackened their speed and finally stopped and dismounted within 10ft. of me. I was almost paralyzed with fear, thinking that my presence would be discovered, but I soon found that they had only stopped to review some plan. I recognised each voice, and in a few moments was made acquainted with all the details of the terrible deed to be committed that night. They discussed the location of Shephard and his prisoner in the car. There were six of them, and I gathered that three would "hold up" the engineer while the others would locate the prisoner, shoot the lights out, and then attack him.



"MARTIN DROPPED MORTALLY WOUNDED."

Just at this hour I was hastening from my home in Farmers to the bedside of a dying friend. In order to reach the place quickly I took an old deserted road, and when hurrying along about a mile from the village I had just the sounds of galloping horses' feet arrested me

Shephard was to dodge beneath the seat to avoid injury to himself. After repeated instructions and careful cautions they remounted, and, hearing the whistle of the train in the distance, put spurs to their horses and galloped on.

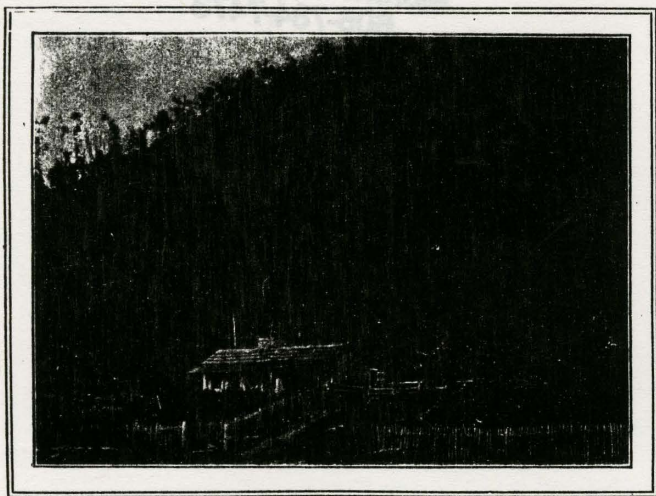
I was rooted to the spot with horror. There

was no time to save Martin from his fate, for the train was almost due. I saw that I was powerless to do anything, and, too frightened to think coherently, I hurried on as fast as my trembling limbs could carry me to the bedside of my friend. No minister being present, I prayed with him and soothed him in his dying hours. I was in a state of great agitation and dread, and spent a night of indescribable horror.

Next morning the country rang with the news of John Martin's death: how six masked men had held up the train at Farmers; how three appeared in the doorway of the smoking-car, and, extinguishing the lights as if by magic, fired with one accord at the manacled man. Their aim was excellent—Martin dropped mortally wounded. Meanwhile the frightened

but their plans could avail him nothing now. The bearer of evil tidings broke the news as best he could. Grief and consternation were depicted on every countenance, and with one accord Martin's supporters hurried to the inn, to find the dying man breathing his last. He was able to utter but one word—"Revenge"; but these wild children of the feud country understood, and swore vengeance in his dying ears.

Martin was buried two days later. But what of his murderers? There was not the slightest clue to their identity. I dared not reveal my knowledge of the crime, for it only meant certain death to me and more bloodshed in the county. Besides, how could I substantiate my story against seven men's denial? So the crime and



THE OLD MARTIN HOMESTEAD—JOHN MARTIN LIES BURIED IN THE ENCLOSURE TO THE RIGHT.  
*From a Photo.*

occupants of the carriage scrambled wildly for the door. Others from the next carriage rushed up, and a scene of wild confusion ensued. The lamps were again lighted, but there was no trace of the masked men; they had disappeared as suddenly and as silently as they came. The terrified passengers assisted in trying to minister to Martin, who was still living, and when the train reached Morehead he was carried to the nearest inn and a messenger dispatched to carry the sad tidings to his father and mother. The messenger found a band of desperate men assembled at the Martins' house planning the release of their leader on the morrow,

its perpetrators have always remained a mystery. Thereafter terrible tragedies followed each other in quick succession, and, although I noted them all with increasing horror, my lips perforce remained sealed.

I will now proceed to set forth the strange fate which befell the seven conspirators.

Julian Welch, a man of unusual brilliancy of mind and nobility of character, a much-respected citizen of Farmers, had been persuaded to join the guilty seven through a misrepresentation of their purpose. They convinced him that the killing of Martin was the only way of ending hostilities without many years of bloodshed and



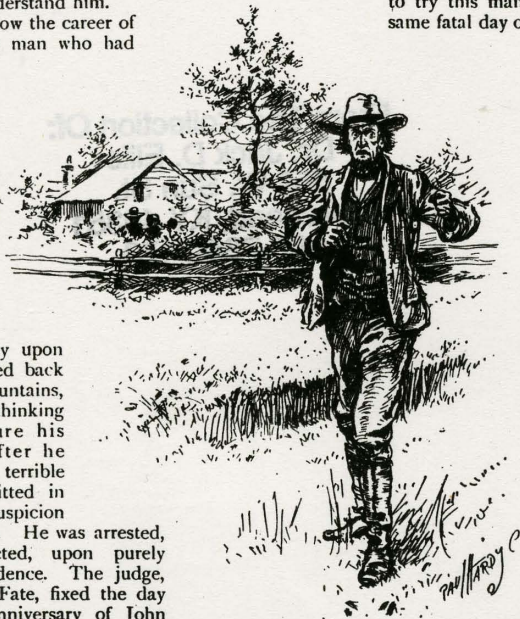
strife. He was drawn into the plot believing the act to be one of patriotism and of justice. He forged the fatal order, and a short time afterwards realized that he was a murderer, guilty of a dastardly crime. Being a man of tender conscience, he brooded until life became unbearable, and finally sought to drown his remorse in headlong dissipation. He finally came to an untimely end on the first anniversary of the night when he aided and abetted in the murder of John Martin. He died raving in delirium, beseeching the watchers again and again to "burn the order; burn the order." They, of course, did not understand him.

We will now follow the career of William Colton, a man who had served for year as one of the county's best officials. He continued to live in Morehead for some months after the Martin tragedy, and quietly pursued his avocation, which was the practice of law. But the fear of discovery lay heavy upon him, and he moved back farther into the mountains, to Martinsburg, thinking thereby to ensure his safety. Soon after he settled there a terrible crime was committed in the locality, and suspicion pointed to Colton. He was arrested, tried, and convicted, upon purely circumstantial evidence. The judge, as if inspired by Fate, fixed the day of the second anniversary of John Martin's death as the date of his execution! The convicted man was duly hung on the appointed day, although loudly protesting his innocence to the last moment. Three weeks later the real murderer, being no longer able to bear the weight of a guilty conscience, confessed to the murder and thus declared Colton's innocence. But it was too late! William Colton had gone to answer for his share in the tragedy at Farmers.

Some months later it was whispered that one of Morehead's most prominent citizens had become mentally unbalanced. For days he would walk and talk incessantly, and when unable to secure a companion in his rambles

would hold conversations with some imaginary person. This mood was followed by days of strictest seclusion. He was gloomy and taciturn, and would see none of his friends or acquaintances. His family kept the matter suppressed for weeks, until finally he conceived a maniacal hatred for one of his grown sons, addressing him always as "John Martin," and attempting to murder him whenever he came in sight. Family pride and filial love finally succumbed to fear, and his family had his sanity tested in court. Imagine, if you can, the feelings of the writer when summoned on the jury to try this man for lunacy on the same fatal day of the year that John

Martin was shot! It was the third anniversary. The man was sent to the Lexington Insane Asylum, and there he remained until the day of his death some few months later. I have since heard the officials who accompanied him relate that when the train reached the town of Farmers he became so violent that it required the assistance of four passengers to hold him down. No one could account for the agitating effect of that quiet, peaceable little village upon the diseased



"HE WOULD WALK AND TALK INCESSANTLY."

mind; but to one acquainted with the case, as I was, it seemed perfectly clear.

Three years had now passed, each bringing its terrible result to some one of the guilty band. I had in the meantime lost trace of John Wheeling, one of the chief plotters in the gang, and one whom I remembered as most noisy when discussing their plans on that fateful night. I chanced one day to pick up an Ohio paper, and was stricken speechless with astonishment to find the picture of John Wheeling—a prisoner awaiting trial for the murder of his father-in-law! I followed the

proceedings of the trial very carefully. No motive could be assigned for the deed, but John Wheeling was given a life-sentence, and on the fourth anniversary of his midnight ride to Farmers he donned a convict's garb and gave up home and freedom for a crime of which he stoutly declared his innocence and for which no just cause or reason has ever yet been found!

Hitherto I had not connected the catastrophes which befell these men with the murder of John Martin, but now I began to note the mystery of it all, and found myself looking forward to the 3rd day of March with excitement and dread. The fifth anniversary, a beautiful day for the season of the year, passed off without any evil occurrence, and I felt greatly relieved. But night came with another misfortune wrapped in its gloomy curtains.

a cheery greeting and passing jokes with all. "Andrew seems lively this morning," remarked one; "he must have had a good sale this year."

Tolliver lingered in town beyond his wonted stay, chatting with different friends. At dusk, however, he bade them "good-bye" and galloped out of the town towards home. But he was destined never to reach his home alive. He lingered so long in the town that his family, becoming alarmed at his prolonged stay, sent a boy of fifteen in search of him. The night was one of inky blackness. The boy rode on until he almost collided with a riderless horse standing still in the road. He held his lantern higher so that he could see the animal, and with a start recognised his father's saddle-horse! His father was hanging from the stirrup covered with blood, and quite dead.

The boy's pitiful cries aroused several persons,



"HIS FATHER WAS HANGING FROM THE STIRRUP."

Andrew Tolliver was a prosperous farmer living some five miles distant from the county seat. He had sold the products of his farm a few days before, and came on the 3rd of March to deposit his year's earnings in the safe of a merchant friend in town, there being no bank nearer than thirty miles at that time. He seemed unusually cheerful and jolly that day, meeting his fellow-farmers along the road with

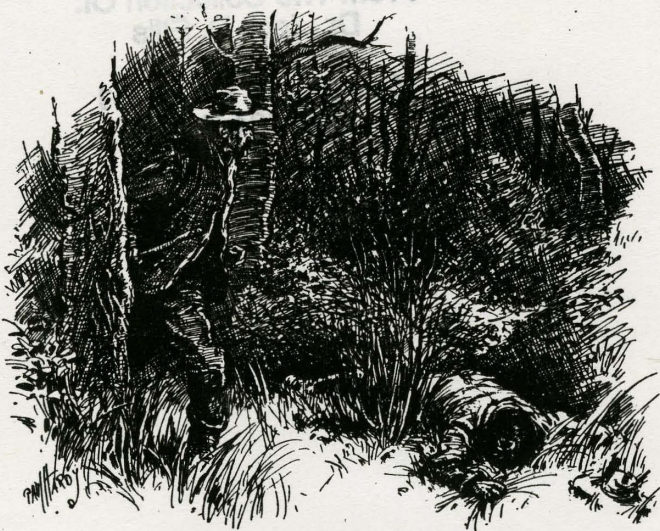
and soon a large crowd gathered and conveyed the body home. Morning had dawned by this time, and the coroner was soon upon the ground making investigation. By bits of clothing and traces of blood they traced the victim back to the old homestead of John Martin, but what occurred at that spot still remains a mystery. The coroner's verdict was that Andrew Tolliver came to his death by being thrown from his



horse and dragged along the road, the horse's fright being occasioned by something or someone just in front of the old, deserted Martin homestead.

Meanwhile John Shephard was sojourning in the Kentucky Penitentiary, having been sentenced to imprisonment there for a term of twenty-one years for killing an officer in Mount Sterling, who attempted to arrest him for some misdemeanour. While he was in the penitentiary he conducted himself so meritoriously as to get into the good graces of the warden, and to secure greater liberty than other criminals of his class. He pretended to become converted, and was a devout worshipper at the prison chapel. His good conduct, together with the untiring efforts of his friends, secured his release after an imprisonment of only five years. He returned

The day passed and he came not. Night came on and the woman watched anxiously, and still he did not make his appearance. The next day passed and the next night, and the poor wife was frantic. She had made but few friends, and could appeal to no one. The next morning, however, just as she had succeeded in interesting the police-officials and had got them to start in search of him, the news came that he was found. The man who found him was, according to his story, out hunting stray hogs, and when he reached the darkest part of "Gloomy Hollow," hearing the swine moving, he turned out of the path and proceeded in that direction. After going about 30ft. he was horrified to see the dead body of a man. It proved to be no other than Shephard—stone-dead, murdered!



"HE WAS HORRIFIED TO SEE THE DEAD BODY OF A MAN."

to his native county apparently a changed man. While in prison he met a beautiful woman who visited the prison Sabbath school and taught the Bible. They were associated much together, and she was one of the most untiring in the effort to secure his release, and ultimately married him.

Shephard took a contract to oversee a timber job in "Gloomy Hollow," and one day parted fondly from his wife to go and assign the work to the labourers, assuring her that he would return in a few hours. But he never came back.

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When the officers set to work to find the assassin, they found only the spot where beaten-down bushes had afforded him a place of concealment. The underbrush was broken and the earth trampled hard, showing that the murderer had been in ambush for several days, and that he knew the route travelled daily by his victim. It was evident to me that some of John Martin's avengers had been at work, although years had passed and the "Rowan County War" was supposed to have ceased and all the old enmity to have been buried. It was but

another mystery that baffled those who would have made it clear, while fear kept silent those who could have explained it. They moved the body of Shephard into the old court-house at Morehead. While the watchers sat and discussed the terrible crime in whispers someone mentioned another crime in years gone by, and one of them said: "Do you remember the night when John Martin was murdered?" "Yes," answered another. "But why?" "I was trying to think of the date, that is all," he said. "It was the 3rd day of March in the year 1883," said his companion. "Good heavens!" returned the first speaker. "If Jack was killed three days ago, as the doctors testify, he must have been murdered on the 3rd of March!" They talked long on the subject and all agreed that it was a strange coincidence, for Shephard was known to have delivered the forged order which secured the handing over of Martin. A strange coincidence, indeed, but still none saw in this strange crime, as I did, the hand of the avenger.

No one was ever indicted for the murder of Jack Shephard. The murderer has not been apprehended to this day, and no one ever dared to advance so much as a theory concerning who the person might be, lest they should themselves share Shephard's fate.

Only one of the conspirators was now living. He was a man of wealth and influence, and Providence seemed to smile upon him and bless him beyond the lot of his neighbours. He was a model citizen, and enjoyed a happy home and success in his every undertaking. "Surely," I thought, "this man will escape the Nemesis?" Still, during the last days of February, I found myself looking forward to the 3rd day of March with nervous dread. The nearer that day approached, the more apprehensive I became. My nights were troubled and filled with nightmares, and the days with gloomy retrospective thought and still gloomier anticipation. I had stood silent and powerless, watching these many tragedies growing out of one, until, under the burden of the awful secret, I felt almost as

guilty as the original seven conspirators. Could I not in some way warn Gerald Walsh, or could I not, by keeping a silent watch over him, save him from the hand of this invisible and inexorable Nemesis? I could not dispel the gloomy thoughts that filled my mind, and sometimes imagined that the succession of tragedies had almost turned my brain. When I looked at the calendar the date March 3rd seemed magnified to my distorted vision, and sometimes I seemed to see a red circle around the date. When the 2nd day of March closed and night came on I could no longer bear the suspense, but resolved to go on the morrow, whatever the cost, and warn Gerald Walsh. The night passed slowly, every moment seeming an hour, and when morning dawned I arose, looking worn and haggard. Without waiting to partake of our morning meal, I caught my horse and galloped to Morehead. When I reached the village I met two men, and, seeing that they were excited, stopped to inquire the cause. "Gerald Walsh is dead," answered one. "He committed suicide last night!" "What for?" I asked, horrified beyond expression at the news. "No one knows," he answered. "He seemed as cheerful as usual until yesterday, when his wife noticed that he appeared depressed." "Did he leave no message?" I inquired, anxiously. "Yes; he left a note pinned to his pillow, saying, 'It is better to go out and meet your fate than run from it and be overtaken,' but no one understands what he meant."

But I understood—and like a flood of light the explanation broke in upon me. There had been another silent spectator to this ghastly series of catastrophes—one who was more vitally interested than myself. Reviewing the dread and horror I had suffered for days past I shuddered at the thought of the ordeal of apprehension through which this wretched man must have passed. My life-long regret is, and ever will be, that my lips remained sealed until this long-drawn-out tragedy had reached its bitter culmination.

Box 52



## The Tolliver Song [63]

[Law E 20]

This song is closely related to one of the most famous of Kentucky feuds, the Rowan County "War." It should be pointed out that the code of honor of the Highlander does not require that he give his opponent a fair chance to defend himself; any means, fair or foul, are suitable, and his behavior is in striking contrast to the chivalric spirit of the plainsman of the West. In Kentucky this ballad is known as "The Rowan County War." ~~Contributed by Hattie Rowland, Cliff Top, Fayette Co., West Virginia.~~

It was in the month of August, all on election day,  
Lent Martin, he was wounded, some say by Johnny Day.  
But Martin could not believe it, or could not think it so;  
He thought it was Bud Tolliver that struck the fatal blow.

They wounded young Ad Simon, although his life was saved;  
He seems to shun grog shops since he stood near the grave.  
They shot and killed Sol Bradley, a sober, innocent man;  
Left his wife and children to do the best they can.

Martin did recover, some months had come and past;  
All in the town of Morehead these men did meet at last.  
Tolliver and a friend or two about the street did walk;  
They seemed to be uneasy, with no one wished to talk.

They walked into Judge Carey's grocery<sup>1</sup> and stepped up to  
the bar;  
But little did he think, dear friends, he had met his fatal hour.  
The sting of death was near him; Martin rushed in at the  
door.

A few words passed between them concerning a row before.

People soon got frightened, began to rush out of the room,  
When a ball from Martin's pistol laid Tolliver in the tomb.  
His friends then gathered round him, his wife to weep and  
wail;

And Martin was arrested and placed in the county jail.

He was put in jail at Roand,<sup>2</sup> there to remain a while,

<sup>1</sup> Grocery—saloon.

<sup>2</sup> [Roand—Rowan.]

Taken from Ky 784.4976 Folk-Songs of the Southern United States  
C 7318 by Josiah H. Combs



In the hands of law and justice, to bravely stand his trial.  
The people talked of lynching him, at present though they  
failed;

The prisoner's friends removed him to Winchester jail.

Some persons forged an order, their names I do not know;  
The plan was soon agreed upon, for Martin they did go.  
Martin seemed to be discouraged, he seemed to be in dread.  
"They have sought a plan to kill me," to the jailer Martin  
said.

They put the handcuffs on him, his heart was in distress.  
They hurried to the station, got on the night express.  
Along the line she lumbered, just at her usual speed.  
There were only two in numbers to commit the awful deed.

Martin was in the smoking car, accompanied by his wife.  
They did not want her present when they took her husband's  
life.

And when they arrived at Farmer, they had no time to lose.  
A band approached the engineer and bade him not to move.

They stepped up to the prisoner with pistols in their hands;  
In death he soon was sinking, he died in iron bands.  
His wife overheard the noise, being in the smoking car.  
She cried, "O Lord! they've killed my husband," when she  
heard the pistols fire.

The death of these two men has caused trouble in our land,  
Caused men to leave their families and take the parting band.  
It has caused continual war, which may never, never cease.  
I would to God that I could see our land once more in peace.

They killed our deputy sheriff, Baumgartner was his name.  
They shot him from the bushes, after taking deliberate aim.  
The death of him was dreadful, it may never be forgot;  
His body was pierced and torn with thirty-two buckshot.

I composed this song as a warning. Oh, beware young men!  
Your pistols will cause you trouble, on this you may depend.  
In the bottom of a whiskey glass a lurking devil dwells,  
Burns the breath of those who drink it, and sends their souls  
to hell.

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Co., V



HOUSE JOURNAL  
DEC 30, 1887  
MAY 4, 1888

believed that a considerable expense would be saved to the Government by such a system. It is suggested that this fund be placed under the control of a board to consist of the Governor, the Secretary of State, and the Attorney General.

SPECIAL LEGISLATION.

Much of the time of your predecessors, attended with heavy expenses to the State, has been devoted to the consideration of bills of a private nature. The public acts of the last General Assembly—session 1885-6—cover only 274 pages of the book in which they are published, while the private acts fill 2,168 similar pages. It is believed that a large majority of these private acts were already amply provided for in the general act authorizing the formation of corporations. With no purpose of intruding my views on a subject on which you have the exclusive right of action, I venture to suggest, as a means of expediting the public business and of economizing your valuable time, that the general act authorizing the formation of corporations be amended, if necessary, so that it may fully provide for the necessities of such organizations without too heavily taxing the time of the General Assembly.

ROWAN COUNTY.

As the reputation of a community is often popularly judged by the conduct of its worst elements, so likewise is the law-abiding character of the people of Kentucky estimated by others, in a great measure, not from the general disposition of its citizens to obey the laws, but from the violent conduct of comparatively a few lawless individuals. If, from neglect or inefficiency, we fail to repress this lawlessness, or to bring the offenders to justice, we have no right to complain of the false estimation in which we are held by the people of other States.

Unfortunately, numerous acts of violence and defiance of law in several of our counties, have given color to the belief which extensively prevails, that we are not a law-abiding people. Recent events in the county of Rowan have notably served to encourage this erroneous opinion, and have tended to retard the material development of the State by lessening the confidence of capital in the protection of the laws.

From The Collection Of:  
Dr. Jack D. Ellis  
552 W. Sun St.  
Morehead, KY 40351  
552 W. SUN ST. 473  
Morehead, KY 40351  
606-784-7473

RE-ORDER NO. 8119 FOLDER



For the condition of affairs in Rowan county you are referred to the accompanying reports of the Adjutant General, and of the commander of the troops sent last August to Morehead, by my predecessor, on the demand of the Circuit Judge, for the protection of the court. The situation may be summarized by stating that a difficulty has existed between factions in that county since 1884. Though composed of only a small portion of the community, these factions have succeeded by their violence in overawing and silencing the voice of the peaceful element, and in intimidating the officers of the law. Having their origin partially in party rancor, they have ceased to have any political significance, and have become contests of personal ambition and revenge; each party seeking apparently to possess itself of the machinery of justice, in order that it may, under the forms of law, seek the gratification of personal animosities. During the present year the local leader of one of these factions came in possession of the office of Police Judge of the town of Morehead. Under color of the authority of that office, and sustained by an armed band of adherents, he exercised despotic sway over the town and its vicinage. He banished citizens who were obnoxious to him; and, in one instance, after arresting two citizens who seem to have been guilty of no offense, he and his party, attended by a deputy sheriff of the county, murdered them in cold blood. This act of atrocity fully aroused the community. A posse, acting under the authority of a warrant from the county judge, attacked the police judge and his adherents on the 22d of June last, killed several of their number, and put the rest to flight, and temporarily restored something like tranquillity to the community. For the details of this transaction you are referred to the accompanying report of the commander of the State troops at Morehead. The proceedings of the circuit court, which was held in August, were not calculated, according to that report, to inspire the citizens with confidence in securing justice. The recital of the unusual incidents which transpired in the court-room will excite your surprise and command your earnest consideration. The report of the Adjutant General on this subject also shows, from information derived "from representative men without reference



to party affiliations," that the judge of the circuit court seems so far under the influence of the reputed leader of one of the factions as to permit such an organization of the grand juries as will effectually prevent the indictment of members of that faction for the most flagrant crimes. It is not in the power of the Executive to determine the truth or falsity of these views. The ample authority which resides in the General Assembly to investigate abuses will enable you, through your appropriate committees, to elicit all the facts connected with the violations of law in this disturbed district.

I earnestly recommend a thorough investigation of the whole subject, with the view of taking such action as in your judgment will be best adapted to enforce the laws and to maintain the dignity and impartiality of the judiciary. In expectation of your action, I have declined to exercise Executive clemency in regard to any of the applications from Rowan county, as I desire to act in harmony with the views of the General Assembly after they shall have fully examined the subject. For a like reason, any special recommendations for a solution of the questions involved in these difficulties, might be considered at this time premature.

#### ENFORCEMENT OF LAW.

It is the duty of the Executive to "take care that the laws be faithfully executed." This duty can be discharged only through the officers provided for in the Constitution and by the laws. If they fail to discharge their duties, the Executive is powerless to remedy the evil. The lawlessness which pervades a few counties of the Commonwealth may be traced, chiefly, it is believed, to immunity from punishment, occasioned by a disregard of duty on the part of officers who are required to judge, prosecute and punish crime. It sometimes happens that judicial officers fail to issue writs of arrest against persons charged with crime; more frequently the officers whose duty it is to effect the arrest, do not employ due diligence in pursuit of criminals; and applications are constantly made to the Executive department for the offer of large rewards as an incentive to the proper discharge of duties which these officers have already sworn to perform.



Of this I am prepared to speak to some extent from personal observation, as well as from official reports.

In consequence of the disturbed condition of affairs in Rowan County during the past summer, to which I may perhaps call your attention more at length at a later period in your session, it unfortunately became my duty to keep from seventy to ninety men of this force on active duty for several weeks. The detail consisted primarily of detachments from Company F, Second Regiment, Captain Cockerill; Company H, Second Regiment, Captain Strother, and Company E, First Regiment, Captain Smith; the last subsequently relieved from duty for a short time and its place supplied by a detachment from Company D, Second Regiment, at first commanded by Lieutenant R. D. Williams, but afterwards by Captain Veach, the whole under command of Major L. W. McKee, of the Second Regiment; and such was their promptness and celerity that two of the detachments were at the scene of the disturbance, fully prepared for duty, within twelve hours from the issue of the order calling them into active service, while the third, detained only by want of transportation, arrived the following day. It was my pleasure, as I deemed it my duty, to visit and inspect their camp repeatedly during their service, and it is a source of unfeigned gratification to me to be able to bear testimony to the efficient, cheerful, and unselfish discharge of their duties by both officers and men. With the exception of three or four instances in which individuals manifested some reluctance to observe the obligations they had voluntarily assumed, there was not a murmur of complaint nor a breach of gentlemanly decorum by a single member of the command during their entire service; but officers and men alike vied with each other in showing their fealty to the law, as well by their deportment as citizens as their conduct as soldiers.

The spirit thus exhibited, as well as the arduous service thus promptly and faithfully performed, while it illustrates the value and reliability of the organization to which they belong, has my highest commendation, and merits the thanks of every good citizen of the Commonwealth. To none, however, should be accorded a more generous measure of credit than to the accomplished officer in command for his vigilance, prudence, fidelity, and firmness.



Those who voted in the negative, were—

87-18  
85-19

M. C. Alford,	H. T. Kendall,	B. F. Reynolds,
W. W. Dickerson,	John McCann,	D. H. Smith,
R. G. Hays,	W. F. Neat,	G. Terry,
J. K. Hendrick,	J. J. Paul,	D. W. Wright—14.
John R. Kemp,	A. L. Peterman,	

Mr. Triplett moved to reconsider the vote by which the Senate had refused to grant leave to the House of Representatives to withdraw said resolution.

Which motion was simply entered

Mr. Hendrick, from the Special Joint Committee, appointed to investigate certain charges against the Circuit Judge of the Fourteenth Judicial District and lawlessness in Rowan county, laid before the Senate two reports, together with the testimony given before said committee.

Said reports read as follows, viz :

#### MAJORITY REPORT.

*To the General Assembly of the Commonwealth of Kentucky :*

Your Committee, appointed and acting under the following resolution, viz. :

“WHEREAS, There are charges of official misconduct against the Circuit Judge of the Fourteenth Judicial District being circulated, and which have received notice in the Governor’s Message to us ; and whereas, it is due both to the Commonwealth and to the party charged that such charges should be investigated ; therefore, be it

“1. *Resolved by the General Assembly of the Commonwealth of Kentucky,* That a committee of eight be appointed, three from the Senate and five from the House, to investigate said charges. Said Committee shall be appointed by the Speakers of the respective Houses, and shall have power to hold their sessions in Frankfort or in Morehead, or in any other place within this Commonwealth they may determine to be best for a full sifting of the facts. They are given full power to send for persons and papers, all of which papers they shall return to this General Assembly when they make their report, and



they shall also return, with their report, all of the evidence taken by them, whether documentary or otherwise; and it shall be the further duty of said Committee to investigate, as far as practicable, the feuds, riots and lawlessness in Rowan county, and the causes thereof; and said Committee shall have power, in its discretion, to investigate said matters separate from or in connection with the charges against the Judge of the Rowan Circuit Court; but in reporting to this General Assembly, it shall be the duty of said Committee to report separately on said charges against the Judge of said court and the other matters directed to be investigated under this resolution, and said Committee shall report fully and in writing what action should be taken by this General Assembly in reference to the matters hereby directed to be investigated"—

Respectfully report, that, in pursuance of the above resolution, they visited Morehead, in Rowan county, on the 8th day of February, 1888, accompanied by a stenographic reporter, the employment of whom was authorized by a resolution of this General Assembly, after first having notified Judge A. E. Cole of the time and place of the meeting of the Committee, and proceeded to take the testimony of numerous witnesses, each witness being first duly sworn, and then thoroughly examined by the Committee, and cross-examined by the attorneys representing Judge Cole. The Committee, while at Morehead, thus took the testimony of fifteen witnesses, represented to the Committee as being among the most reputable citizens of the county. The records and papers of the Circuit Court Clerk's office were also thoroughly and minutely examined, after which your Committee adjourned to meet in the city of Frankfort on the 14th day of February, 1888, at which time and place the Committee met, and in the same manner took the testimony of thirty-three other witnesses, making in the aggregate forty-eight witnesses examined by the Committee. The testimony of these witnesses, when reduced to print, is very voluminous, covering, as it does, some eight hundred pages of legal cap paper, besides a vast amount of exhibits and documentary evidence, making it impracticable for your Committee to give an extended synopsis of it.

Your Committee find, from the evidence, that the feuds and



lawlessness in Rowan county commenced in August, 1884, and grew out of the election of W. Cooke Humphrey as Sheriff of the county. On the day of the August election one Solomon Bradley was killed in a street fight, and a dispute arose as to whether Floyd Tolliver or John Martin did the killing. Said Bradley was a Republican and a friend and partisan of said Humphrey; and from the date of that killing, and for some months afterwards, the feuds partook of a political nature, Cooke Humphrey and his followers representing a Republican faction, and Craig Tolliver and his followers a Democratic faction.

On December 2d, 1884, Floyd Tolliver was killed in a bar-room difficulty by John Martin, Martin at the time being a member of the Humphrey faction.

On December 10th following, John Martin was assassinated at Farmer, in Rowan county, while in charge of the officers of the law, under a forged order to bring him from the Winchester jail, in Clark county, to Morehead, to stand his examining trial.

From that time forward open murders and secret assassinations followed in quick succession until June 22d, 1887, when the principal leaders of one faction of the marauders and murderers were killed in an attempt to arrest them.

From August, 1884, to June 22d, 1887, there were twenty murders and assassinations in the county, and sixteen persons wounded who did not die, and all this in a county whose voting population did not, at any time, exceed eleven hundred; and during this period there was not a single conviction for murder, manslaughter or wounding, except for the killing of one Hughes, who was not identified with either faction.

In addition to felonies, we find that a great number of the most odious misdemeanors were committed, such as carrying concealed deadly weapons, selling spirituous, vinous and malt liquors without license, selling the same to minors, disturbing religious worship, breaches of the peace, etc. The Circuit Court docket showed that a great many persons were never arrested for the offenses charged against them; that in a great majority of cases, where arrests were made, either worthless bonds were taken or the parties were cleared by the petit jury. It appeared



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from the record that there were some cases, even when a conviction was had, that the parties escaped the penalties of the law. Many of the cases of conviction appeared to have been obtained by reason of the absence of the defendant, leaving the impression upon the minds of the committee that any effort to defeat the law seemed generally successful. It appeared from the record that there is now due the Commonwealth on straw bonds many thousand dollars that will never be collected.

According to the proof, the petit jurors were a fair average of the men of probity and integrity in Rowan county, and the failure to convict seemed to be either that the people, from long accustomed association with deeds of violence or crime, or from a want of appreciation of law and order, or from intimidation and fear, were unduly tolerant of crime.

We find that, although some indictments were found against parties guilty of felonies and misdemeanors, there were several instances in which the most cruel and cowardly murders were committed, and no indictments were found by any Grand Jury of Rowan county, although it was generally known or suspected by the entire community who the parties were that committed the murders. The Grand Juries in Rowan county since August, 1884, in several instances, not only failed to discharge their duty in investigating and ferreting out the parties who were guilty of the most horrible crimes, when it was generally known and suspected who had committed those crimes, but used their functions to instigate and set on foot prosecutions founded upon the most worthless evidence, and in several instances failed to indict officers of the law when the knowledge was brought home to them of crimes and misdemeanors committed by said officers. According to the proof, the Grand Jury, like the petit jury, was a fair average of the men of probity and integrity in Rowan county.

Your committee find that the county officials were not only wholly inefficient, but most of them in the warmest sympathy with crime and criminals; in some instances not only suppressing the knowledge of murder, but giving support so far as to rescue criminals from the custody of the law, being totally oblivious of their duty to the Commonwealth, and seeking notoriety of censure and adverse criticism rather than shrinking from it.



Law and order can not and will not be maintained in Rowan county with the present county officials, nor did we find while at Morehead a healthy public sentiment to uphold and sustain the enforcement of the law. Whilst your committee was at Morehead parties were openly engaged in selling whisky in one of the most public places of the town without license, and had been doing so since June, 1887; and this known, too, by the officers of the law, and no effort made by any one to suppress it.

Fortunately for the Commonwealth, some of the murderers of Rowan county, who have brought so much disgrace upon the Commonwealth, were dispatched on the 22d day of June, 1887; but there yet remains in Rowan and adjoining counties some of the parties who have been participating in the murders in Rowan county, and the prevalent opinion of men thoroughly conversant with the previous lawlessness and bloody history of Rowan county is, that as soon as this General Assembly adjourns, again will begin the bloody scenes of violence, murder and assassination which have since August, 1884, marked and blackened the history of Rowan county.

In regard to the causes of the troubles in Rowan county, your committee find—

*First.* That the county officials, excepting a very few, are not only inefficient, but are totally corrupt and depraved.

*Second.* The want of a healthy moral public sentiment.

*Third.* That the portion of the community which seems attached to law and order, has so long been domineered over by the criminal element and corrupt officers, that they are incapable of rendering any valuable assistance in maintaining the law save a few exceptions, and these few so greatly in the minority in the class desiring law and order, that a reformation can not be hoped for if left to their own resources.

*Fourth.* That during all the social chaos since August, 1884, spirituous liquors have been sold, with and without license, in nearly every part of the county, adding fury and fire and venom to the minds and hearts of murderers, and dragging into the terrible vortex of drunkenness and crime and murder even those who were not originally in the feuds; the proof showing that crimes and murders were committed in the various precincts in proportion to the number of places where whisky was



sold. The evidence of many of the most prominent and intelligent men of Rowan county was, that the only cure for all the evils that have afflicted Rowan county and disgraced the Commonwealth is the abolition of the county and remanding it back to the counties from which it was erected; and this, in the opinion of your committee, is the only intelligent solution of the difficulty; and we therefore recommend the repeal of the act by which the county was erected, and that the respective portions of the territory be given to the counties from which they were taken; and we herewith file the evidence upon which the opinion is based.

Reporting separately as to the charges against Judge Cole, we can not say from the testimony that he has been guilty of corruption in office, nor has he been guilty of official misconduct in a legal or criminal sense; but your committee are constrained to say, however, that Judge Cole unwittingly allowed himself in some measure to be influenced by partisans of one faction, and allowed officers of his court, without apparent censure from him, to remain in discharge of their official duties after misconduct upon the part of said officials of a highly criminal character which the court knew, or by the exercise of reasonable diligence might have known, had been committed by said officials, and ought to have brought down the severest condemnation of the Judge in his charge to the Grand Jury and otherwise; but, so far as the proof shows, received no official notice or attention from the court. And his social relations with these parties continued to be apparently friendly and cordial.

But while we feel forced under the proof to say these things, we do not believe from the testimony that any Judge in the Commonwealth could have enforced the law in that county, and we believe, moreover, that the criticism to which he has subjected himself is due more to his kindness of heart and his unsuspecting devotion to his personal and political friends, than from any disposition to side with either faction, or to shield the criminals that were around him.

The proof shows that in every other county in his district his private character, as well as his official conduct, are above reproach. The lawyers and other citizens of his circuit, so far



as examined, universally testify both to his high character as a citizen and his unblemished conduct and character as a Judge.

JOHN K. HENDRICK,

*Chairman Joint Committee.*

W. M. REED,

*Chairman House Committee.*

G. G. GILBERT,

D. W. WRIGHT,

JOHN P. NEWMAN,

CHAS. BLANFORD,

ARTHUR M. WALLACE.

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#### MINORITY REPORT.

*To the General Assembly of the Commonwealth of Kentucky:*

While concurring in the report concerning Rowan county signed by the majority of your Committee, I am forced to disagree as to the charges of official misconduct against the Judge of the Fourteenth Judicial District.

The resolution under which your committee acted directed an investigation of definite and positive charges. In prosecuting our inquiries, the testimony will show that every legal rule of evidence was disregarded in order that the Committee might have the widest possible information as a basis for their conclusions. With this great mass of nearly one thousand pages of testimony, certainly Judge Cole is proven guilty or not guilty. It is not enough to say that he has not been guilty of official misconduct in a legal sense, or that no Judge in the Commonwealth could have enforced the law in Rowan county, and then shadow a vindication by statements that, if true, prove the charge we were appointed to investigate.

I call your attention to the report of this Committee respecting Rowan county, and submit that, if it is true, the conduct of Judge Cole, unimpeached by a word of testimony, deserves our heartiest praise instead of censure.

In my judgment, the testimony is conclusive that the official conduct of Judge Cole has been impartial and above reproach.

CLAUDE THOMAS.

*[For Testimony—See Legislative Document No. 3.]*

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 12-15-83 BY 60321  
STAT-487-309



REPORT OF SAM. E. HILL, ADJUTANT GENERAL.

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.

From The Collection Of:  
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Morehead, KY 40351  
606-784-7473



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.

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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.



Craig wanted to know what the people thought about the tragedy. Boone replied that some were of the opinion that it was outrage, while others professed to believe the deed justifiable. "That don't satisfy me," said the cut-throat police judge, arrogating to himself an air of supreme loftiness. "I want to know what you think about it."

Boone hesitated for he knew to express his honest convictions would entail trouble. Craig insisted and finally Logan, summoning all his wavering courage said, "My cordial belief is that it was an atrocious murder." "You do, do you?" was the only response.

Boone walked away, satisfied that he had engendered an opposition that would be satisfied with nothing short of his life. The next morning he received written notification from Craig Tolliver that if he was found in town after a certain hour that day he would be shot down in his tracks. Logan had no desire to fill such an early grave, so he packed his trunk and left for other parts on the first train that passed. His wife was left behind. He had been absent but a short while when a message came from Tolliver that if Mrs. Logan did not leave Morehead at once, he would hire her out. This last message made Logan furious and he at once began planning to right the insult cast upon him and the disgrace threatened his wife. The armed posse which visited Morehead June 22, last, dealing extermination to the Tolliver faction, was one result of the resolve young Logan made when news reached him that his wife was to be farmed out and that's how Daniel Boone Logan's name is now prominently

associated with the Rowan County hostilities.

The investigation of Judge Cole still proceeds at Frankfort. Daniel Boone Logan has been on the stand this week. The Louisville Commercial says:

"Logan said he never saw a conviction where Judge A. E. Cole presided and Taylor Young defended, and he never saw an acquittal when Young prosecuted. John Keeton confessed that Allie and Taylor Young had offered him a barroom rent free for a year, several cases of beer and \$100 in money to kill Howard Logan. Keeton swore Judge Cole off the bench because he did not think he could get justice and Cole replied in the presence of the jury that "justice was what he did not want and further that he had repeatedly sworn to lies in that court." The confession of Keeton was taken up by a Notary Public in Covington, named Massil, and attested by D. Ellis Conner.

There is a great deal of interest manifested in the trial and if counsel are of value, Judge Cole will win. He has Judge Alvin Duvall, William Lindsay, Messers Hendricks and Sudduth of Flemingsburg and Colonel Wadsworth of Maysville. Z. T. Young is also here assisting.

Thank you to the contributors to this issue: Helen Surmont, Willow Leach, and Avanelle Eldridge, and to Fred Brown of American Office Supply/White Crow Enterprises for printing the newsletter.

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# Rowan County War

## August 1884 – June 1887

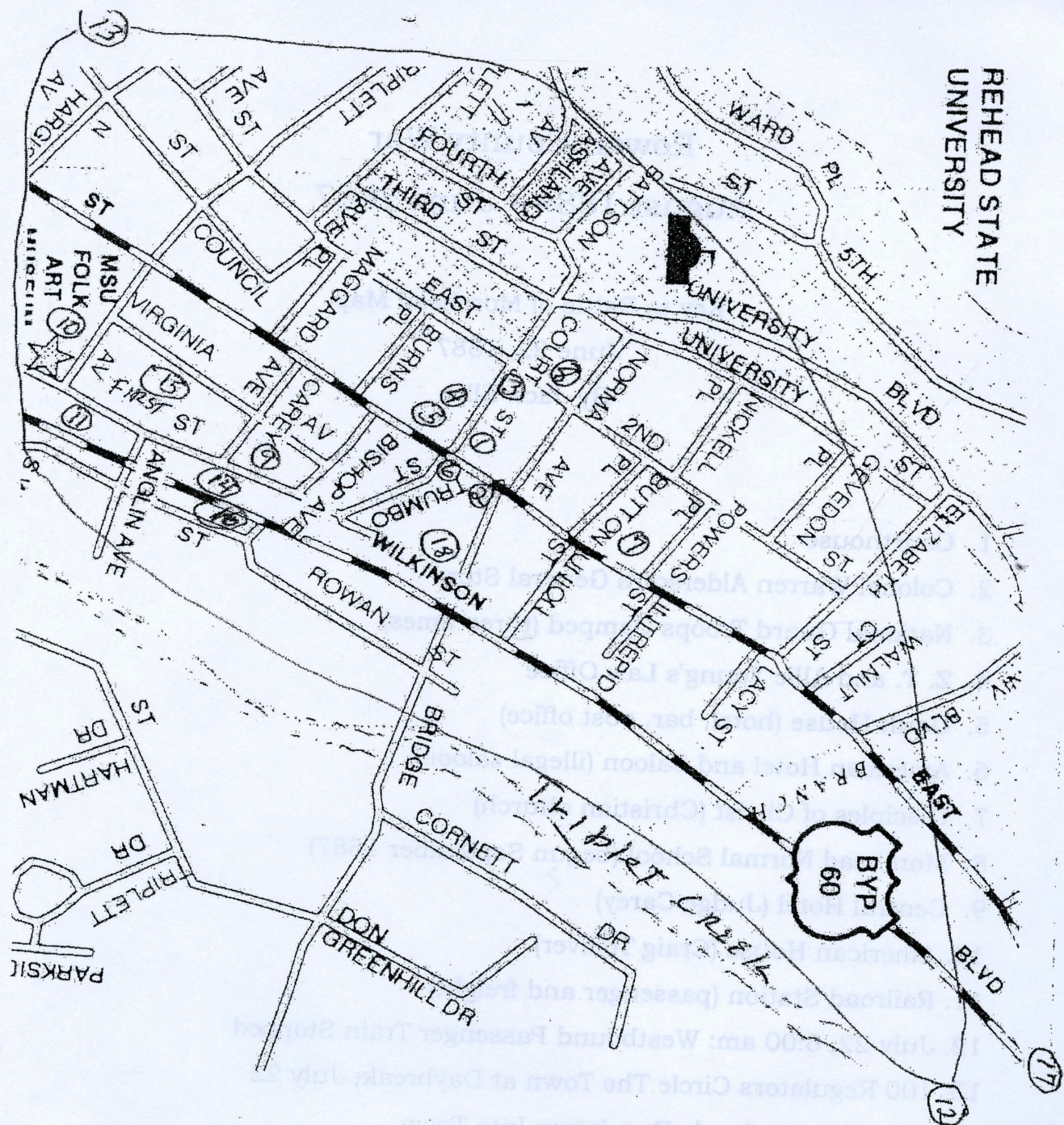
Key to Battle of Morehead Map

June 22, 1887

By Jack Ellis

1. Courthouse
2. Colonel Warren Alderson's General Store
3. National Guard Troops Camped (three times)
4. Z. T. and Allie Young's Law Office
5. Gault House (hotel, bar, post office)
6. American Hotel and Saloon (illegal saloon)
7. Disciples of Christ (Christian church)
8. Morehead Normal School (begun September 1887)
9. Central Hotel (Judge Carey)
10. American House (Craig Tolliver)
11. Railroad Station (passenger and freight)
12. July 22, 6:00 am: Westbound Passenger Train Stopped
13. 100 Regulators Circle The Town at Daybreak, July 22
14. Sheriff Hogge Leads Regulators Into Town
15. Battle Begins—Lasts 2 ½ Hours (2000 shots fired)
16. Four Killed—Bodies Lay on Gault House Porch
17. Martin Homestead
18. Cora Wilson Stewart Moonlight School Museum
1. Court Trials Begin (no one found guilty)
3. National Guard Troops Return for Third Time





Rowan County War Map  
and  
Battle Of Morehead  
June 22, 1887

By Jack Ellis



length upon the insufficient testimony. He said that the evidence showed a majority of the men who had ~~served~~ as Jury Commissioners were men without blemish otherwise he showed that Judge Cole had always done the best he could to uphold the majority of the law. "Put yourself in his place," he exclaimed. "How would you like to hold a term of court or two in Rowan County?"

This sadly caused general merriment. Frequently after Mr. Wadsworth spiced his speech with anecdote and happy illustrations which greatly relieved his tale of woe and tragedy.

Mr. Wadsworth proceeded to show that with the military in meeting and other conditions not favoring, Judge Cole had an almost impossible task to hold court in Rowan. He combatted statement after statement made against the Judge, and closed by requesting the committee to impeach Mr. Cole, if there was any evidence upon which to base such a transaction.

Boone Logan was present during the argument, and made a request in writing for the privilege of replying, but it was denied him. It is reported that the committee has agreed to exonerate Judge Cole but will incidentally censure the practice of Judges in contributing to corruption funds ~~xxx~~ for campaign purposes, the evidence showing that Judge Cole had done this in Rowan County. The committee will also recommend the abolition of Rowan County. However, there will be a minority report from the committee, we are told, which will no doubt furnish some mighty interesting reading.

The Rowan Investigation: The Rowan Investigating Committee resumed its sittings in the Senate Chamber at Frankfort on Tuesday of last week.

D. B. Logan was the first witness examined. After detailing the troubles of Rowan, of which our readers are familiar, he said there have been 20 murders since 1884 and but one conviction. About everyone of the grand juries had a Tolliver on them. Logan said that he never saw an acquittal when Young prosecuted. John Keaton confessed that Allie and Taylor Young had offered a barrroom rent free for a year several cases of beer and \$100 in money to kill Howard Logan. Keaton swore Judge Cole off the bench because he did not think he could get justice, and Cole replied in the presence of the jury that "Justice was what he ~~xxx~~ did not want, and further that he had repeatedly sworn to lies in that court." The confession of Keaton was taken by a notary public in Covington, named Massie, and attested by D. Ellis Connor.

Logan took the stand again Wednesday and the following is the report of his testimony taken from the daily papers:

1350A KY 1350A  
STAT-887-308



THE ROWAN COUNTY WAR

(The Tolliver-Martin Feud -- 1884-1887)

Aug. 1884 - In an election brawl in Morehead, Kentucky involving a number of individuals who had been drinking, and including John Martin and his friend Bradley, both Republicans and Floyd Tolliver, a Democrat shots were fired and Bradley was killed. John Martin accused Floyd Tolliver of firing the shots and Floyd Tolliver accused John Martin.

"The feud was on."

The Grand Jury which met in Rowan County shortly thereafter charged Floyd Tolliver, John Martin and John C. Day (Acting Sheriff at the time of the shooting) with malicious shooting, wounding, and murder.

Nov. 1884 - During the November term of court in Rowan County at which the case involving the three individuals charged above was to be tried, Floyd Tolliver and John Martin, both of whom had been drinking, met in the Galt House, Morehead, Kentucky, had "words" - pistols flashed - Floyd Tolliver was killed. Many members of the Tolliver family, one of whom was Craig Tolliver, and who normally lived in Elliott County, assembled in Morehead and, as a group, swore to kill John Martin.

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Nov. 9,  
1884 -

As a result of these threats, Judge Stewart of Rowan County suspended the preliminary trial and moved John Martin from the Rowan County jail to the Winchester, Kentucky jail in Clark County as a means of avoiding violence and in the hope that the hot tempers of the Tollivers would cool somewhat before the case came to trial.

At this, Craig Tolliver took command of his family group. He arranged for the name of Judge Stewart to be forged in signature on an order directing the return of John Martin from the Winchester jail to the Morehead jail.

Nov. 15,  
1884 -

By the direction of Craig Tolliver, Town Marshall Alvin Bowling of Farmers, Kentucky, who apparently was a member of the Tolliver faction, was sent to Winchester with the forged order and five armed guards to return John Martin to the Rowan County jail at Morehead. On his arrival at Winchester, John Martin protested loudly to the jailor that these men belonged to the faction which had sworn to kill him, that he would never reach the Morehead jail alive and demanded that the jailor verify with Judge Stewart that he had actually issued this order. His request was denied by the jailor at Winchester and John Martin, with his hands handcuffed and his legs shackled, was placed on the train to Morehead. His wife had visited him in the Winchester jail earlier in the afternoon and was on the same train but in a different car and did not know that her husband had been placed on the train. When the train stopped at the town of Farmers in Rowan County, a band of masked and armed men boarded it, moved directly to the car in which John Martin was held, and riddled his body with lead. His wife, in the car ahead, heard his screams. By the time she reached the car where he was held, John Martin's body was almost unrecognizable.

March 1885 -

Deputy Sheriff Stewart Bumgardner of Rowan County had stated in public that "the Tolliver's should be prosecuted". A few days later he was killed while traveling on the public road by an ambush which riddled his body with buckshot.

April 1885 -

A few days following the above incident, Rowan County Attorney Taylor Young was ambushed at the same spot and shot through the shoulder. Taylor Young had had enough. He left Rowan County and moved to another part of the country, as did many other prominent citizens.



Spring 1935 - Sheriff Cook Humphrey of Rowan County with his deputies and local supporters fought a gun battle for several hours from the Carey House in Morehead with a group of heavily armed Tollivers and their followers from Elliott County. While the buildings were fairly well riddled with bullets and a few wounds resulted, no one was killed. As a result of this battle which lasted several hours, more local citizens moved their families out of Morehead.

Shortly after this, one of the Tolliver associates, who had gotten in trouble in another county and had been sentenced to seven years in prison, made what he called a confession by saying that the sisters of John Martin and Sheriff Humphrey had paid him to shoot Taylor Young from ambush; had paid him \$2.50 per day and whiskey while following Young and offered \$250.00 when Young was killed. It appears that this alleged "confession" was another move by the Tollivers to discredit the family of John Martin, and it was apparent that Craig Tolliver and his followers would leave no stone unturned to accomplish this fact.

Last Saturday  
of July  
1935 - Craig Tolliver had been elected Town Marshall of Morehead by the simple means of surrounding all of the election polling spots with heavily armed Tollivers who threatened voters that they must vote for Craig Tolliver. On this last Saturday of July, 1935, Craig Tolliver, using the information in the "confession", swore out warrants for the two Martin sisters, Ann and Sue Martin, and Sheriff Humphrey, accused as accessories to the shooting of Taylor Young. He took approximately twenty armed Tollivers with him when he went to the Martin sisters' home about six miles from Morehead.

Sheriff Humphrey of Rowan County realized what was going on and tried to protect Mrs. Martin and her daughters. The boyfriend of Sue Martin, Ben Rayborn by name and deputized by Sheriff Humphrey, also accompanied Sheriff Humphrey to the Martin home.

About 9 o'clock on Sunday morning, the Tollivers, after having spent the night surrounding the house, attacked the Martin home by gunfire, riddling it with bullets. Mrs. Martin, her three daughters, Sheriff Humphrey and Ben Rayborn barricaded themselves on the second floor armed with a rifle, a pistol, and an old shotgun. Craig Tolliver tried to rush the stairway and was shot in the face with the shotgun. Sue Martin was able to slip out the back door and went to Morehead for help.



On her arrival there she was arrested and jailed by others of the Tolliver faction in accordance with the warrants sworn out by Craig Tolliver.

After Craig Tolliver was shot in the face with the shotgun, he tried to intercept Sue Martin on her way to Morehead and fired two pistol shots at her, but she eluded him and escaped. He then ordered that his party set fire to the house. With the firing of the house, it became apparent to those inside that they would have to leave or be burned to death. Mrs. Martin agreed to run to the stable first to attract the attention of the attackers, while the Sheriff and Ben Rayborn ran across a cornfield to the woods. Mrs. Martin's run for the stable held the attention of the attackers only briefly, and immediately they detected the two men running across the cornfield. Rayborn was hit initially by three bullets and went down. Sheriff Humphrey's clothing was penetrated by several bullets but he was not wounded and escaped to Morehead. The attackers, after rifling the pockets of Rayborn and taking his money and other possessions, left his body where it fell. Mrs. Martin and her other two daughters were not harmed, but Ann Martin, the other daughter charged in the warrant, was lodged in the Morehead jail with her sister Sue. Sheriff Humphrey resigned his office in disgust. The Tollivers named their man, Ramey, in his place as Sheriff.

July 2, -  
1886

This was court day in Morehead. This was accompanied by the usual heavy drinking and loud talk by members of both factions. As a result of an interchange of hard words in the store of Howard Logan, his son, W. O. Logan, was shot by Deputy Sheriff Henry Ramey of the Tolliver clan. The resulting uproar required the calling in of troops to restore order in Morehead.

October -  
1886

Store owner Howard Logan, whose son had been killed in July, was wounded from ambush while going to his store in Morehead. He and his family moved out of east Kentucky permanently. At this time Craig Tolliver boasted that he would run every Logan out of Rowan County.

A doctor, Henry S. Logan, who lived but a short distance out of Morehead, was arrested and jailed on a fabricated charge by the Tollivers. He had two sons, Billy and Jack, the eldest of which was about 25 years old and very sickly, the younger about 19 years old



and studying for the ministry. Craig Tolliver (Police Magistrate) accompanied by Marshall Luck Manning and a ten-man posse, four of which were Tollivers, attacked the home of Doctor Logan, set fire to it and killed both sons as they ran for the woods. Their bodies were mutilated by stomping with heavy boot heels.

At this point we find a cousin of the two boys who were killed, Boone Logan, who took up the fight. He was later to be nicknamed "The Man Unafraid". He immediately appealed to Governor Knott of Kentucky for protection and for prosecution of the killers of his cousins. He was told by Governor Knott that the Governor was helpless to intervene but was given the information that, should a law officer, armed with a warrant for the Tollivers, attempt to serve it and be resisted, the supporters of the officer trying to serve the warrant would be within their rights to use force to assist him in serving it.

This piece of advice gave Boone Logan an idea. He organized about 100 men of the better element of the town into a resolute group who would operate under his leadership. He purchased 60 high-power Winchester rifles and ammunition in Cincinnati and shipped into town in boxes labeled "furniture". He was ready for the test. Deputy Sheriff Hogg, who had accompanied Craig Tolliver and his posse in the attack on the home of Doctor Logan, but who said he ran away when the shooting started, was selected to serve the warrant for Craig Tolliver with the citizens group of Morehead, 100 in number, to support him.

June 22, -  
1887

On this date Cousin Boone Logan and his followers decided to have a showdown with the Tolliver faction. Deputy Sheriff Hogg was sent out to serve the warrant on Craig Tolliver in the American House, which he operated as a saloon and as a headquarters for his faction. The Tolliver group was prepared and opened fire before the warrant could be presented, and Deputy Sheriff Hogg left for parts unknown. The citizens group, lead by Boone Logan, opened fire on the American House and on the Central Hotel where some of the Tolliver faction had taken refuge, and a heavy gun battle ensued for some time. Boone Logan directed that his group set fire to the Central Hotel where Craig Tolliver had taken refuge, which was done. Craig Tolliver, who had bragged many times that he would never die with his 'boots on' and that 'no damn Logan will make me break my promise', came out of the Central Hotel in his stocking feet and with pistols flashing. He and others of his following went down in a hail of bullets from Boone Logan and his followers.



The battle raged for several hours (2) Young Col Tolliver was shot in the behind - But lived. Pete Tolliver surrendered. Again Troops came to Morehead To restore order. Except for the high feelings on both sides, some of which remains today - the Rowan County War was over.

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HOW SAVED & ART CLC  
LOWAN COUNTY AND

GIVEN TO THE MUSE

~~THE MUSE~~

4-15-02

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ETS



On the third night of January nine oclock at night,  
I was awakened all in a fright.  
I heard a voice crying oh mother what shall I do  
They have killed my brother Mason I believe they'll kill me too.

I thought I was a dreaming I sprung out of my bed,  
It was Jimmie at my door he said "they've shot him dead."  
It was on a cold and winter night the moon shone bright as day.  
It was at the American Hotel I found him cold as clay.

His Uncle jumped and grabbed him and made no alarm  
He held him in the door while they shot him through the arm.  
The ball went in his body and entered through his heart,  
Mason and his mother then they had to part.

He was the constable of Rowan county on him they did rely  
But when he done business for Howard Logan they said he had to die.  
He done business for the American the Central and the Gault  
They never was the people that ever found a fault.

He always had some kind word to say to all who met him by the way,  
He was meek, he was mild, he was quite a loving child.  
Here lies my poor little murdered son his life was cut short his race is run  
By cruel hands his blood was shed and now he's sleeping with the dead.

O pardon his sins oh Lord of love and take him home to Heaven above.  
On the third day of January he was forced to die  
And under this pine his body lies.

Just nine months had scarce passed by 'til my son James was forced to die.  
The death of Mason bore on his mind 'til to his bed he was confined.  
Death hovered round his quiet home and laid him in the silent tomb,  
His little family then was left of a father they was bereft.

Composed by their mother Mary J. Keeton.

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## A DESPERATE FIGHT.

Alvin Bowling, a Notorious Desperado  
of Rowan County, Recklessly Uses  
His Murderous Revolver.

### ONE MAN KILLED AND OTHERS WOUNDED.

Monday afternoon this city was the scene of another startling tragedy. One man was fatally wounded and another slightly wounded in attempting to arrest a Rowan county desperado, who attempted to run the town. The story is as follows: Sunday night Alvin M. Bowling, Town Marshal of Farmers, Rowan county, went to the house of John Scott, who lives near that place, and at the point of a pistol forced him to allow his daughter, Mattie Scott, to depart with him. Bowling and the girl went to Olive Hill that night, and the next morning came to this place and registered at the Turner House as husband and wife. A short time before the east bound mail train arrived here, Thomas Boyd, a young merchant of Rowan county, who was also in the city, went to the restaurant of Dan. Chenault, colored, on Main street, and being considerably the worse for liquor, drew a pistol on Chenault and gave him a sound cursing. Chenault immediately swore out a warrant for his arrest. The warrant was placed in Deputy Marshal Wyatt's hands, who went to the depot, where Boyd had gone, and arrested his man. Returning up Maysville street with his prisoner, Wyatt was overtaken by Bowling, who had gone to the depot with Miss Scott to take the train. Bowling was very drunk, and drawing a large revolver, demanded Boyd's release. Wyatt, thinking discretion the better part of valor, acceded to his demands. Bowling and Boyd then returned to the depot, followed by Wyatt, who summoned a posse to assist in arresting both of them. Bowling was still flourishing his pistol and defying arrest. By this time the train had pulled in, and Bowling, with pistol still in hand, attempted to board it with Miss Scott, but was grasped by John Gill and others, who had been summoned to take him. A struggle ensued, and Bowling's pistol was discharged, the ball passing through Howard Wilson's right hand. Freeing himself, Bowling turned and shot John Gill in the stomach, inflicting a mortal wound. Bowling then attempted to shoot Lindsey Anderson, but Anderson was too quick for him and grasped the pistol, the hammer coming down on his finger

and cutting it severely. Bowling again freed himself and fired at Anderson, but missed him and the ball passed through the vest of James Jones, a negro porter at the Turner House. At this juncture, James W. Groves, Constable for this precinct, rushed in and grasped Bowling from behind. Bowling attempted to shoot him over his shoulder, but before he could accomplish it, Lindsey Anderson had procured a pistol and putting it to Bowling's head commanded him to surrender or he would blow his brains out. Bowling, seeing the game was up, surrendered and was taken to jail. Before the shooting began, Boyd had been rearrested by Wyatt and W. J. Fitzpatrick, and they were some distance up the street.

There was a large crowd at the depot, and it is almost miraculous that they escaped injury. Gill says that he had his pistol at Bowling's head after he (Gill) was shot, and it was his intention to kill him, but as he thought he was a dead man himself, he did not care to have Bowling's blood on his hands. John Gill is about 32 years old, and has a wife and several children. He is a tobacco raiser, and came here from Fleming county. He is a large, powerful man, and has on several occasions acted as Deputy Marshal. At this writing, it is thought that he can not live over twenty-four hours. The pistol used by Bowling was a British bulldog, 44 calibre.

Howard Wilson's wound is very painful, though not dangerous.

Alvin Bowling is a notorious Rowan county desperado. It is said that he has more than once committed murder, and has been a holy terror to the people of his section. He is one of the officers who went to Winchester after John Martin, who killed Floyd Tolliver. It will be remembered that Martin was murdered by a mob on the train at Farmers. Martin when dying accused Bowling of being his murderer, and it is said that Bowling openly boasted on the street here Monday that he had killed Martin. Bowling belonged to the Tolliver faction. He is a married man, with four or five children, and the people of Farmers are very much incensed at his conduct with Miss Scott. The young lady is about 17 years old, and came with him of her own accord. She was very much concerned when told that Bowling was in jail. She returned to Farmers Monday night.

Boyd, the young man who was the cause of all the trouble, bears a good reputation, with the exception that he sometimes lets whisky get the better of him. He took no part in the shooting.

The brave conduct of Lindsey Anderson and James W. Groves is certainly deserving of the highest praise. The coolness and courage of Anderson no doubt saved the life of Groves and possibly others.

It is high time the people of this city and county were doing something to put a stop to this murderous spirit. Such men as Bowling should be dealt with without mercy by the strong arm of the law, and not by mobs. A few first-class hangings will teach such roughs that they must behave when in the corporate limits of Mt. Sterling.

Bowling was brought out for trial yesterday morning, but the case was continued until to-day.

Boyd was arraigned before Judge McKee, and was fined \$35 and costs for drunkenness, disorderly conduct and resisting the officer. He is yet to be tried for carrying concealed weapons. **LATER—Gill is dead.**

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## THE ROWAN INVESTIGATION.

### The Law Has Not Been Enforced.

Murderers Have Been Released From Prison on Straw Bond, and Their Cases Never Called.

#### A SORRY STATE OF AFFAIRS.

The Investigating Committee appointed by the Legislature went to Morehead last Wednesday and began its labors. After examining several witnesses, the Committee adjourned Thursday evening to meet at Frankfort yesterday, when Judge Cole's side of the case will be heard. Thursday's proceedings are thus detailed by the Courier-Journal correspondent:

The investigation into the affairs of Rowan county has progressed sufficiently far to demonstrate to the General Assembly Committee that Judge A. E. Cole cannot succeed on the Circuit Court bench here. It is openly charged, and the community seems about evenly divided on the proposition, that the Judge has been partial on all his rulings to the Tolliver element. When a Tolliver was arraigned, which was seldom, the minimum bond was furnished, and, notwithstanding, with one or two exceptions, all the killing was done by the members of that faction, prior to June 22 last, the first verdict of guilty has yet to be returned against one of them for as much even as carrying a deadly weapon, or lesser infraction. The testimony, which invariably associates Z. T. Young with the Tollivers—in fact, he is described as the man who did all the planning for them, but is conveniently absent when open hostilities are being waged—is to the effect that he never appeared for a prisoner before Judge Cole but what the prisoner was acquitted. He was always retained in the defense for the Tollivers.

#### WHY THE TOLLIVERS ESCAPED.

James Carey, an honest, plain-appearing old man, who has been forced to leave the county twice on account of the feuds, but who is not afraid to say what he thinks, was the first witness called to-day. His testimony revealed a deplorable state of affairs, so far as the jury system of the county is concerned, and explained in a measure why it was that a Tolliver always escaped punishment. It appears that jury packing has been practiced in Rowan to outrageous extent. Men in sympathy with the Tollivers predominated on every panel, and the abuse grew to such alarming proportions that the citizens united in a petition to Judge Cole to exercise more care in the selection of Commissioners, at the same

time naming several who were considered a marked improvement on the old set, who seemed to rotate with great regularity, as the succeeding terms came and went. First the name of each man who had officiated as a jury commissioner since the August term, 1885, was read to Mr. Carey, and he was invited to pass any criticism he saw proper. He was not restricted in his comment. Among those who served on that occasion was J. S. McMillan, recognized as a sympathizer, and addicted to a short time since from its

#### A SORRY STATE OF AFFAIRS.

Witness described the trio for February, 1884—S. B. Goodwin, E. S. Turner and R. E. McIntyre—as a sorry lot, and in sympathy with the Tollivers. In this way he continued until the dissection had been completed. The grand and petit juries were taken up in order, and the exposition there was not creditable. Members of the Tolliver faction were frequent on the list, and the number also included many who were manifestly under their influence.

The witness did not mean to convey the impression that those he had commented upon had actually taken part in deeds of violence. Jas. M. Thomas figured in the role of a repeater, as foreman of the grand jury, and the statement was made that he was under the influence of the Tollivers. S. B. Goodwin and E. S. Turner were also shown to figure as professionals from a jury standpoint. Mr. Carey said that not one of the Tolliver side had ever been convicted, while the records show that the Martins had been held to a

#### PROMPT ACCOUNTABILITY.

He believed that the trouble here had been due to a failure to enforce the law. The present officials here could maintain order if they so desired. He said that Rowan identified Judge Cole and Z. T. Young with the Tollivers.

He was asked next about the position Judge Cole assumed towards those who had business in his court.

He replied: "I remember that once a man named Brown was in court to prosecute one of the Logans for shooting his stock. Judge Cole called him a coward; said he was showing the white feather, and declared that those outlaws (meaning the Logans) had to be prosecuted. This was spoken in the

hearing of the jury. Logan was opposed to the Tolliver faction. On another occasion John Keaton was arraigned for shooting Howard Logan, and he made affidavit to swear Judge Cole off the bench. The court replied to Keaton that he had sworn to lies enough, and he did not propose to recognize the affidavit. Keaton was opposed to the Tollivers."

On cross-examination by Mr. W. H. Wadsworth it was brought out that all of the present county officials were together sympathizers.

#### ABOUT THE GUNS

shipped here when the military was in Morehead, he said that he had heard it said that Judge Cole was mixed up in the affair. Between 1856, when the county was created, and 1880, when Judge Cole came on the bench, he could remember but five men who had been killed in Rowan. The witness said in conclusion, that while he declined to take sides, his opinion was that the Martins were in the right.

H. Baily, another ex-County Judge, was called next. He knew of several citizens who had left the county and were still afraid to return, notably Sam Goodwin and H. C. Powers. He had heard frequent complaint as to the appointment of jury commissioners. There was a sameness about them, and beyond that, they were not the style of men the law required. A petition setting forth the grievances of the citizens against the selection of such men had been presented to Judge Cole, and he failed to make any appointments for the ensuing court session. There had also been numerous

and loud complaints made as to the bonds required. The Tollivers were liberated at the lowest figures, while the Martins were held in heavy amounts. He had seen witnesses imposed upon, as he thought. The law had not been enforced, for the want of good and effective officers. He did not mean to connect Judge Cole directly with the Tollivers. In February, 1885, the witness was a member of the commission that selected the grand and petit juries. After the list had been completed, some persons unknown to him had tampered with it and made several changes. At present, he could not specify this fact. He failed to communicate it to Judge Cole at the time.

George A. Nickell offered some corroborative testimony, and closed by stating that whisky and a laxity in the enforcement of the law were responsible for the trouble.

#### CIRCUIT CLERK JOHNSON

was recalled and asked to exhibit and explain his records in relation to certain bonds. Four indictments against Martin sympathizers were asked for. These charged James Harrison, alias Pendulum, Henry Logan, Morgan McClerg and Louray Brown with conspiring to kill Judge Cole, Z. T. Young and

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A. W. Young. The total bonds required were for Pendulum, \$7,000, and \$9,000 for each of the other three. Subsequently, Pendulum was acquitted and Logan and McClurg pardoned. Brown is still at large. Then four indictments against members of the Tolliver faction were taken up. They were against A. W. Young, Z. T. Young, J. G. Manain and John Trumbo, for conspiring to kill H. M. Logan. Their bonds ranged from \$2,500 to \$1,000. Four of the Tollivers have been indicted for murder, and not a man convicted.

Testimony was next in relation to the special guard summoned by the Sheriff, at the direction of the court, to be present during the February term, 1887. In all there were twenty-eight of these, and Mr. Johnson, under question, described twenty-three as Tolliver sympathizers, one of the Martin side, and there were four he could not certify to. Subsequent examination revealed that about half of the special guard was under indictments for crimes which ran the full scale of the calendar, from murder to petit larceny. Some of the men were from Elliott county. Against some of these identical chaps processes of the court had at that time been returned unexecuted.

#### HIRAM PIGMAN

was called and sworn. He is now under indictment for a killing. He had observed that when Judge Cole was in Morehead, he boarded always with Tolliver sympathizers.

Some other witnesses were placed on the stand but no new facts were brought out.

It is stated that the Committee is thoroughly disgusted with Rowan and the condition of its affairs.

The testimony taken by the Investigating Committee at Morehead reveals a disgraceful state of affairs. The evidence discloses the fact that men have been appointed Jury Commissioners who were in sympathy with the notorious Tolliver gang, and who at the time of their appointment had suits pending in Court, such an appointment being clearly in violation of the Statute, and could not have been made without Judge Cole knowing the fact, as he was bound to know who had suits in his court. Men have served on juries from term to term, in violation of the law. Excessive bail was required of the Martins charged with crime and small bail of the Tollivers. To our minds the proof fully develops that Judge Cole's conduct in his Court and the language used by him towards parties arraigned before him, was disgraceful and unbecoming a judicial officer, and the evidence is ample that Judge Cole has all along been in sympathy with the Tollivers. It may be that the committee will not be able to get testimony sufficient to impeach him, owing to their short stay at Morehead, but if they will

summon Harry G. Burns, W. W. McGuire, Hon. J. W. Kendall and the members of the jury that tried Pigman at the last term of the Court, we have no doubt that enough will be developed to drive him from the office he has disgraced. We hope the Committee will not whitewash this affair, as a jury once upon a time did another crime committed in Rowan county. The honor of the State and the purity of the Judiciary are at stake, and the people will not be satisfied with anything short of a thorough investigation and the exposure of the rottenness in Rowan county. Whatever they do we trust they will not abolish the county. The honest law-abiding people of Rowan are not responsible for this disgraceful state of affairs. Weed out the corrupt officials and Rowan will blossom as the rose. A volume would hardly contain a history of the outrages committed in Rowan county in the name of the law.

The statement made by Judge Carey before the Rowan Investigating Committee is certainly not very complimentary to Judge Cole. He stated that from the time the county was created, in 1853, up to 1880, when Judge Cole came on the bench, he could remember but five men who had been killed in Rowan. The fact that five times that many have been murdered in that county in the past four years and no one punished for it, hardly needs any comment. It is plain that the law has not been enforced, and that Judge Cole is not the man to preside over that Court. We are opposed to abolishing the county, because we believe the laws can be enforced, and that the county should be transferred to another judicial district. To abolish it would work an injury to the people of Rowan who have taken no hand in this factional fight, and who are largely in the majority. Besides, it would be an admission that the State is powerless to enforce its laws.

Cook Humphrey, concerning whom there has been so much said in connection with the Rowan county troubles, was here last week. We interviewed him at length, but because we did not have space it was set aside. He claims to be in possession of facts which, when made known, will bring the perpetrators to dark deeds to light. He is afraid to live within reach of any of his foes, and will have no permanent home until after affairs in Rowan have been settled. He is now being pursued by paid desperadoes, who are seeking his life. The story that he is seeking the life of Attorney Z. T. Young is false. He intends to harm no man save in self protection. He expects to be ready for trial at the next term of the Circuit Court.

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## THE ROWAN INVESTIGATION.

### The Committee Resumes its Sitting at Frankfort—Court Machinery Rotten and Farces.

The Rowan Investigating Committee resumed its sittings in the Senate chamber at Frankfort on Tuesday of last week.

D. B. Logan was the first witness examined. After detailing the troubles in Rowan, of which our readers are familiar, he said there have been twenty murders since 1884 and but one conviction. About every one of the grand juries had a Tolliver on them. Logan said he never saw a conviction where Judge A. E. Cole presided and Taylor Young defended, and he never saw an acquittal when Young prosecuted. John Keaton confessed that Allie and Taylor Young had offered him a bar-room rent free for a year, several cases of beer and \$100 in money to kill Howard Logan. Keaton swore Judge Cole off the bench because he did not think he could get justice, and Cole replied in the presence of the jury that "Justice was what he did not want, and further that he had repeatedly sworn to lies in that Court." The confession of Keaton was taken by a notary public in Covington, named Massie, and attested by D. Ellis Connor.

Logan took the stand again Wednesday and the following is the report of his testimony taken from the daily papers:

He was first asked about the guard summoned by Judge Cole to preserve order at the February term of the Circuit Court, 1887. There were twenty names in all, and as each was called he passed judgment thereon in his characteristic and emphatic manner. No Martin sympathizers were on the list and most of them were not only friends of the Tollivers, but some were there under indictment for murder. Jim Pelfrey had previously burned the Morehead Jail, was at the time under indictment, with the return "Not found" indorsed thereon.

Thomas White was a man of low character, now in Frankfort on a drunk. Charley Day and John Trumbo, boys fifteen years of age, were armed and given authority that older heads should have exercised. Jerry Fletcher and Tom Allen Day were accused of murder. J. G. Mannin was regarded as a weak tool in the hands of designing men and a man of no character, then charged with felony. It was currently reported that the Tollivers who were on the list came from Elliott county at the instigation and invitation of Taylor Young. They were summoned after they reached Morehead.

Logan was next asked the kind of bond Judge Cole required. Senator Wright, who examined the witnesses for the committee, asked him about cases where Cook Humphrey and Craig Tolliver were arrested on opposite sides. He replied that the Humphrey people had to give ample security, while the Tolliver crowd were turned loose on straw bonds. The Judge's attention was called to this fact, but no action was taken. James W. Johnson was Circuit Court Clerk. Court records had been mutilated in several instances. One case, No. 113, the name of the original defendant had been scratched off the indictment, and "John Kountz" substituted. Johnson is charged with defalcation, and has since been removed by Judge Cole as trustee of the jury fund for certain irregularities in his accounts. An attempt to indict him proved abortive.

Logan testified that Allie W. Young, the County Attorney, had put an order on the county records authorizing himself to collect \$35 for services rendered. He forced Judge Stewart to sign the voucher under a threat to resort to force of arms if he did not comply. The County Judge can barely write his name, was a weak man, personally afraid, and who sometimes acted with reference to his personal safety. Mr. Bailey was jailer of the county, and last June had Thomas Trumbo under his charge for shooting into the Court-house. On the day of the Democratic Convention Tom was in demand, and Allie Young secured the keys by threats from Bailey, and Trumbo was turned loose. He returned later. Tom Allen Day was in jail at another time, when some of his friends slipped a pistol in to him. He called Bailey to his cell and persuaded him to let him go. On the 22d of last June, when the Tollivers were killed, the jailer fled, taking the keys with him, and leaving one man locked up. He came near starving to death, but was released by an accommodating blacksmith.

Logan said there were plenty of good men in Rowan whom the Sheriff could have summoned as guards without going to Elliott. Party feeling had little to do with the trouble. Whisky had played the principal role in the various murders. The county officials were more to blame than Judge Cole. There is a current belief that Taylor Young can secure immunity for a client before Judge Cole, no matter how heinous the crime. This is common talk among Young's friends. Witness was in Morehead when a box of twenty guns came to Deputy Sheriff White, who had once been in the penitentiary. Young now has a suit against Captain McPherson for these guns that were seized by order of the Governor. Late in fourteen of Young's friends have been furnished by him with Springfield rifles. Enough good men can be found to enforce the law, if the officers would perform their duty.

Mr. Wadsworth asked him to relate the circumstances of each killing and give his opinion as to the causes. It is remarkable with what accuracy he gave the most minute details. He could not be confused as to dates or circumstances. Colonel Wadsworth read an article from the pen of Boone Logan reflecting severely upon Howard Logan. In explanation he said: "I had been told an infamous lie by Green Mannin and Taylor Young." To make this more interesting, it may be well to state that Taylor Young sat immediately behind the witness at the time he made this caustic remark. He was then asked if he did not vote for Craig Tolliver for Police Judge in 1887. He said he did, because there was no opposition, but that he had tried to find another candidate. Tolliver had everybody afraid of him. "Did you vote for him because you were afraid of him?" "No, sir," was the emphatic response. He denied that he organized a mob to lynch Floyd Tolliver's slayer, but said he would have assisted. There were bad men on both sides and serious crimes had been committed. He did not condone a man's fault, be it friend or foe. After the June killing he, in company with Deputy Sheriff Hogg, called on Judge Cole. There were men on the grand jury who did not belong there. Thought Judge Cole wanted to do what was right. He came to Morehead with a tough crowd.

Colonel Wadsworth tried to trip him here, but failed, Logan adhering to the statement that he had not yet "lost confidence in Judge Cole." He said that he had shot at and tried to kill the Tollivers when they would not surren-

der. Did not know whether he had hit any or not. The Sheriff hid when the fight began. Pigman and Perry had joined in the shooting of their own accord. Were not summoned. Said Judge Cole always gave a good charge to the grand jury. In 1885 he was on Young's side, and while Judge Cole was sick said to him if a man like Judge Jackson comes up here he will send a lot of people to the penitentiary. Young replied: "I will fix that all right so we can get off without any trouble." Judge Holbert presided, and there were no convictions. At this point the committee adjourned.

As Logan left the room Taylor Young asked him if he meant to say that he had knowingly told him a willful lie. Logan replied: "I don't know whether you knew it or not, but it was a lie." They then separated, apparently satisfied.

### THURSDAY REPORT.

From the Commercial Gazette: Hon. Asher G. Caruth, of Louisville, was the first witness examined. His testimony was with reference to his experience as Special Prosecuting Attorney in 1886. Mr. Caruth said a peculiar feature of the criminal docket was the number of cases involving a charge of conspiracy. "I found," he added, "the condition of Judge Cole's docket a burning shame. It was in such shape that no Judge

could make anything out of the cases on it. It was a mere shell, and convictions were impossible."

Mr. Caruth was asked concerning his settlement of the cases. He answered that finding it impossible to secure convictions, he did the next best thing, and effected an arrangement with Cook Humphrey and Craig Tolliver, the leaders of the disturbing factions, which they were to leave the country. Before entering into this agreement, Mr. Caruth said he consulted all the authorities.

In answer to a question from the counsel for Judge Cole, Mr. Caruth said: "I went to Rowan county very much prejudiced against Judge Cole, but by my experience as an officer of his Court, this prejudice was removed. I found him a very fair man, and had no reason to believe him other than an honest and upright Judge. You cannot enforce the laws, however good they may be, unless public sentiment is at your back. I received the hearty co-operation of Judge Cole during my connection with his Court."

In response to a question from Senator Gilbert as to what assistance he had received from Z. T. Young, the County Attorney, he said: "I found him a Tolliverite, and therefore consulted him only with reference to prosecuting members of the Cook Humphrey faction."

"The only felony case tried," he said, "was against a poor devil who had broken into a railroad car, and he was sent to the penitentiary for two years."

Boone Logan was then called to the witness stand for further examination. He said there were fifty or sixty in the battle of last June in which the Tolliver crowd was wiped out. Five or six were from outside counties. Mr. Taylor Young requested the privilege of asking Mr. Logan a few questions, and it was granted. He asked the witness among other things if he had ever heard a person charge him with killing any one or instigating the killing of any one?



Mr. Logan replied that he had not heard any specific charge in this line, but there had been a good deal of talk on other matters implicating him in the Rowan troubles. The point was raised that this examination was not within the scope of this investigation, and Mr. Young then desisted, although he was told that he might proceed. The consent was, however, given reluctantly, and Mr. Young did not take advantage of it.

Colonel Sam McKee, of Louisville, Judge James P. Harbison, and W. B. Dearing, of Flemingsburg, testified favorably to Judge Cole in his official conduct. Attorney General Hardin was then called to the stand. He went to Rowan county in July, 1885, at the request of the Governor, to make an investigation of the affairs there with a view to beginning prosecutions. The people were, however, afraid to talk, and he did not get the information as full as he desired, but he learned that all he had heard before leaving home was true, and that the half had not been told. Judge Cole was not present during any part of his stay in Rowan. "I had," he said, "a long talk with Mr. Taylor Young, who was the County Attorney, with reference to the troubles and the prosecutions to be instituted. Mr. Young admitted that the men to be prosecuted were his friends and he was in full sympathy with them, but insisted on appearing to act with me for the reason that if he stepped aside it would prejudice him with the people, before whom he was making a race for Commonwealth's Attorney of the district. I opposed his taking part in the prosecutions under the circumstances, but he refused to yield, and the matter was dropped for the time being. A few days later I accidentally overheard him say to the County Judge that it was a d—d shame that these men should be prosecuted, and that they ought to be turned loose. I took him to task for this, and we had some sharp words. I told him that he should not sit with me, and if he insisted, I would expose him in open court.

"A day later he made an explanation and an apology, and as a result of it all, he went into the cases with me. We had a rupture early in the prosecutions and he then retired. The whole court machinery was rotten, and trials were the merest farces. Men were turned loose that I wouldn't have hesitated to hang on the evidence adduced. At a subsequent term of the Court I found the grand jury to be made up of nineteen persons related to defendants, three of the men whom I had previously prosecuted, and the entire panel disqualified from jury service, and made a motion in Court for its discharge, but was opposed by the pro tem. Prosecuting Attorney and Mr. Young, and was overruled by the Judge. I then washed my hands of the entire matter and left the county, since which time I have not been back." In answer to a question to Hardin, he said from his observation he judged that ninety per cent of the Rowan people are inclined to be peaceable and law-abiding, but they were in the main illiterate and had been subjugated and intimidated by the vicious element of the population.

In answer to a question as to whether or not it were possible for Judge Cole to have corrected the abuses under the circumstances, he said he had great confidence in the power of a Circuit Judge, if properly directed, and he

would, therefore, answer in the affirmative. Mr. Taylor Young was then permitted to question Mr. Hardin. The latter took a little wider latitude in his answers than is perhaps permitted by the rules of the evidence, and it being to the disadvantage of Mr. Young, he asked that the witness be confined to direct answers. "Is your recollection good or bad?" asked Mr. Young at another time. "Reasonably good, as you will learn before I get through," was the reply. Mr. Taylor Young got decidedly the worst of his round with the Attorney General, who evidently believed that he was largely responsible for nearly all the trouble in Rowan county.

Major W. R. Kinney, of Louisville, went to Rowan to represent the Commonwealth under Governor Knott, found partisan feeling on the part of Judge Holbert, who presided. The secrets of the grand jury-room were betrayed by the County Attorney. Major Kinney explained the case to the Judge, and was informed that the grand jury had reconsidered, and would not indict.

Both the Judge and the Commonwealth's Attorney acted in bad faith in securing the surrender of Cook Humphrey. Had told him that \$1,500 bond would be required and demanded \$6,500 when he appeared in Court. Most of the grand jurors were friends of the Tollivers. Indictments against the Tollivers would not hold water. No convictions were secured while he was there. He understood that the Court was organized to punish the Martins and acquit the Tollivers. He believed all he had heard about the Rowan county troubles, after having seen the condition of the Court and county officials.

The investigation was continued on Saturday, but most of the proof taken was by the defense, a number of prominent lawyers of Judge Cole's district testifying as to his high character as a man and his uniform fairness on the bench. The committee then adjourned until Tuesday afternoon.

Our gifted editorial writer of the Licking Valley Scorchers takes us to task again, because we see fit to attack the Magistrate who ruled in an examining trial in the late unpleasantness of Rowan county, leaving criminals unwhipped of justice. When on the wrong side, a big fuss, beautiful words and a play of wit has the effect to draw the unsuspecting from the main issue. In this our cotemporary is both powerful and famous. We call him to the question. The Magistrates could have done nothing more than to have held the defendants over and subjected them to the investigation of circuit court. The officer, which our friend would have us believe was acting in good faith, and that his rulings were based solely on the evidence before the court may have been honest, still his

judgment was at variance with the masses, so much so that it calls out a criticism which he cannot escape. It has not been nor will it ever be our aim to rob any citizen of this broad Commonwealth of his good name. Indeed, we delight to reach down even beneath the slums of vice and corruption, and lift him who had fallen to where the bitter, slanderous tongues could harm him not.

Two Magistrates sat in judgment; one saw sufficient evidence to hold the defendants over, while to the other, no evil deeds could be seen and no convincing evidence was heard. Why this? The soldiery and State officers went to Rowan county in sympathy with the Tolliver faction: they heard the testimony and every man was willing to hold over these men. Further, we have listened to those citizens of Rowan county who have kept aloof from these troubles, both Democrats and Republicans, and what do they say? "These very accused men with a few leaders are the guilty parties who have caused the troubles." What does the grand jury say? "We are not satisfied with the testimony of the alleged murderers of John Martin and Ben Rayburn, yet we believe by the convening of another grand jury, circumstances and facts will be so developed as to bring fair investigation of the guilty party in each; and relying on better circumstantial and positive proof, they recommend a resubmission of each of these cases to another grand jury." Here are sixteen men who want the accused men put to a closer test. They believe there are other facts to come out. What does one of the grand jurors say of the sixteen? "Major Kinney, I know it is wrong to talk, but there were only three of us who desired to do right, and we were powerless."

With these facts and circumstances before us we are willing to stand by our criticism of the action of Esq. Phillips, and will not "rob him of that which enriches us not, and makes him poor indeed." We will be found on the side of right, aiding in meting out justice to evil doers.

From The Collection Of  
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Major W. R. Kinney returned to Louisville last week from Rowan county, and says the state of affairs there is deplorable, and that the law is insufficient to mete out justice. The court was a farce from the beginning. Both the acting Judge and Prosecuting Attorney were elected in the interest of a party; and until the Legislature convenes and makes special laws, the Governor is powerless to bring criminals to justice. Since the convening of this term of court no trials were entered into. The newspapers have not exaggerated the state of affairs there, in fact, the half has not been told.

We take the following extract from the Courier-Journal's editorial of last Saturday, regarding the trouble in Rowan:

"The community has been terrorized, and every effort of the law-abiding citizens to restore order has been prevented by an infamous conspiracy. Under forged orders prisoners have been taken from the jail and hanged. A Sheriff and his deputies refusing to obey the orders of a clan, have been slain or driven from the county. Magistrates have been threatened, and Judges have been intimidated. Juries have been packed, and false witnesses procured, and as the climax of such a course the County Attorney appears in open court the volunteer advocate of the gang, in its behalf striving to destroy the witnesses of the State, and avowing his active sympathy with their most lawless acts. Joined by the nominal representative of the State, when the Circuit Court is in session, he opposes with vehemence and alarm a motion of the Attorney General to dismiss a packed grand jury, and so powerful is this man that the court, with all the facts before it—facts which with a courageous Judge would have led to the instant dismissal of the jury—in obedience to the orders of the clan, refused the motion of the Attorney General, and gave control of the grand jury to the gang of ruffians. A more open, a more shameless and humiliating proceeding, has not been witnessed in any court-house in the land.

Every effort to right these grievous wrongs has failed, but one thing has been accomplished: These men and their confederates have been exposed. The record now is read by all men. The accomplices and retainers of Craig Tolliver are known of all the people of the State. Hypocrisy no longer abounds. Pressed by the prosecutions, these fellows disguised as upholders of the law, have been forced to avow their sympathies, and all their cunning will avail them nothing in the future. A man who serves a lot of lawless desperadoes as Taylor Young has served the Tolliver gang can never again serve the State, and for his abuse of his position he must now account to the outraged people of Kentucky."

The Courier-Journal of Saturday contained a graphic account of the origin and progress of the Rowan county lawlessness. The correspondent shows very plainly that the Tolliver clan were to blame for the whole business, and that they were governed and directed by a master hand. It is not hard to guess who this master spirit was and is. If there is an honest man in the State who still believes in the purity and honesty of this man, we cannot see on what he bases his belief. We believe a majority of the people of this State have their eye on him. May he suffer the same torment he has made others suffer.

#### The Force in Rowan County.

It is said that George T. Halbert was invited to attend the Rowan Circuit Court for the express purpose of being elected Judge—invited by Z. Taylor Young. It is certain he understood before going there he would be chosen. In appointing Geo. E. Roe as Commonwealth's Attorney, and in refusing to discharge the grand jury packed with murderers, their kinsmen and friends, he did the work cut out for him to do. Nobody knew better than Halbert how to do it.—Weekly Maysville Eagle.

The State is getting into financial trouble, from which it will be hard to extricate herself. A branch penitentiary is being built and there is no money in the treasury to meet the demands. Firms actually refuse the contractors material on the State's credit, and are becoming personally responsible for her debts. These are facts and Kentucky with all her boasted pride is forced to stand it.

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**ETHAN SPIKE.**

**Unburdens his Mind to his Fellow Democrats, and tells Them Where They Missed It.**

SPOONERVILLE, IN KY, }  
Sept. 17, 1887. }

Feller Dimycrats, scattered from the heads of the waters to the eends of the yeath, I want to address this open letter to every mammy's son of you and tell you sumthin fur the goobd of our party seein that the times is smartly outen jint and likely to be wuss, and knowin from many years of experience pollyticks that there ain't no time fur fulein if Mrs. Cleveland's husband and the Old Bandaner is to cum out fust in November.

I say unto you that we're in a monstus tight place, and we must pull off our coats and make the wool fly if we win. Why, jist see the drift of things! When we was a hopin to hear cheerin news from Oregon jist in time to put the capsheaf on the St. Lewy convention, what was the result? Why, 7,000 fur the Radicles; but we kind o' brushed that aside and made little of it, but we had to modify our tariff views on account of it and patch up a Janus-faced platform, and we've bin ever since a worryin and tryin to explain what the platform meant, and it's give us no eend of trubble and vexashun.

Then come the elecshun in Varmount with a Radicle gain of 5,000, and right on the heels of that a fall off in Arkansaw of 15,000; and then arter we had made one of the hardest fights in Maine we ever made the Radicles bad a gain of near 5,000, and Mrs. Cleveland's husband had to further define his posishun on the tariff, and—and—well, the Lord only knows what a mess of crow we'll have to eat afore the thing's over.

Now what's the cause of all this trubble and vexashun? When Solomon said "All is vanity and vexashun of spirit," he must a bin a runnin a Dimycrat campane fur President, fur shorely there couldn't a bin grounds fur sich a remark in any uther undertakin. Well, there's allers a cause that perduces effectks and these effectks were perduced by causes, and what are they? Well, to be plain to you, seein you are feller Dimycrats a travelin to the same bourne and aimin at the same cends—perlitercal power—and I hope you'll bear with me and uncle Ben, and lissen to us to your help.

In the fust place, the people hain't had the greatest conferdence in us since we went into rebellyun agin the Guv-ernment, and we've bin fur 20 years a tryin to git em to put us in power agin; but they look on us sumwhat as a farmer does on a hoss that's run away in the plow—not very safe to trust, and ever little skittish move we make they

are ready to tighten the lines on us. At last we got em to trust us but it was kinder by aksident like. But we got into power and they've bin a watchin us and we've bin a workin to git in sum our Dimycrat licks that would tell in our behalf.

You know our party was allers fur free trade, but we never could git the people edycated up to it. We was beginnin to feel purty good and hopeful that our time had cum, so we jist had Mrs. Cleveland's husband, our nomen-nee, to put out a feeler in the way of his messige to Congress, and we all thought it was a goin to take purty well, so we got up the Mills Bill in accordance and then the platform all a tendin to the great goal of our ambishun, free trade. But I find the times ain't ripe fur it yit. We've made a mistake, and Mrs. Cleveland's husband has labered hard in his letter of acceptance to define away a heap of our blunders and our previousness in the move, but it's too late.

We're like the women whose turkeys got drunk on brandy cherries and she picked 'em thinkin they was dead; but one of 'em cum to and hollered "quit." "Oh," said she "you spoke too late." Now we spoke too late, and it would a bin jist as well if we hadn't a spoke at all on this subjeck, fur it's crawfish-in right square back,

Now, feller Dimycrats, you see the situashun. Oregon, Varmount and Maine gone, and New York, New Jersey and Injeany shore to go, and it'll take the shotgun to hold the Solid South, and when it cums to that we're in a mighty bad strate. But I'm not unduly eggssersized over these things, but I want to prepare your minds fur the wust fur it's a cummin. All the offices will have to be turned back to the Radicles and our fellers will have to let go of the publick tit and go to suck-in their thumbs agin. I know it'll be hard to bear, and it would a bin better fur them as is in office if they had never a bin there, fur to be pulled loose jist as the best flow of the lacteal fluid was a presentin itself will be hard to bear; but I say unto you and so does uncle Ben: "Stand from under, fur sumthin's a goin to drap."

I weep with you, I mourn with you, fur it's a family affair. I hain't held no office yit, neither has uncle Ben, but we was hopin our turn would cum sune, but it's all dun forever now. I'm afeard we won't never reach our Mecca to worship at it's shrine. I feel the cold chills of despair a creepin up my back now.

Yours in sadness,

ETHAN SPIKE  
and his uncle Ben.

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ROWAN CO. WAR

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MOREHEAD KY

4-15-03

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The Flemingsburg Times-Democrat, which is one of Z. T. Young's warmest supporters for Commonwealth's Attorney, makes a loud call on Mr. Young's "slanderers" for proof of the charges they have preferred against him. Laying all else aside, the fact that Young violated his sworn duty in attempting to break down the cause of the Commonwealth, which he had sworn faithfully to represent, is proof enough—or ought to be sufficient for all honest men—that he is unfit to hold any public trust. Now, Bro. Duley, if this "potato" is hot enough, drop it.

Hon. Thos. J. Young, the Democratic nominee for the Legislature from Bath and Rowan counties, has withdrawn from the race. We understand he has decided to move to Louisville, and that is his reason for withdrawing. Mr. J. J. Nesbitt is announced as a candidate for the position.

The charge of the Sentinel-Democrat that the prosecution of the Tollivers at Morehead was partaking of the nature of a persecution, is enough to make every man acquainted with the facts feel a kind of pity for the writer. We know the Sentinel Democrat is in sympathy with the Tollivers, but we were hardly prepared to see it take a stand against the State of Kentucky, and deliberately charge that these outlaws were being persecuted by the Commonwealth, through its civil and military officers. It is hardly possible that any sensible man will believe this charge, although it comes from a professed law and order organ. We would like to remind the public that it has not been two weeks since the Sentinel Democrat was howling about the "lax execution of the law," and now when the State of Kentucky is endeavoring to punish the outlaws of Rowan, this self-styled advocate of law and order, whose heart is sick because of the "lax execution of the law," is crying *persecution* and abusing the militia who have left their homes and their business, in obedience to the command of the Executive, to assist in the enforcement of the law and to restore order to a distracted community. Shame, shame on the man who would thus allow his prejudices to lead him into such an unpardonable error! We would right here apply the remark of the Sentinel-Democrat that "public opinion should hold the guilty responsible."

As far as we are concerned, we propose to stand by the State and the militia. We are in favor of the punishment of every guilty man connected with the Rowan county trouble; it matters not to what faction he belongs, and we want it done legally and right. We want it distinctly understood that we will not defend either side, except so far as the facts in the case warrant us in so doing.

## ROWAN COUNTY,

### Under the Headlight of the Courier-Journal.

At last the issue between the Rowan outlaws and the State of Kentucky has been made in a manner not to be evaded. It is to be determined at an examining trial at Morehead this week whether a band of conspirators can successfully defy the entire Commonwealth.

Murder, robbery and assassination have long prevailed unchecked. The dignity of the people has been outraged, and their sense of right and justice has been flagrantly violated. The track of the assassin leads here and there over all the mountain highways and by-paths, and no man's life is safe anywhere in the county of Rowan.

The regularly constituted authorities in that district have failed to put an end to this reign of terror. It is the demand of an outraged and indignant people that these men be brought to justice and the State relieved of the shame imposed by the immunity which they have secured.

The Attorney General of the State is in Rowan, and back of the Attorney General is an undivided people. Kentucky is on trial; our civilization is to be tested; our right of self-government is to be determined. From one end of the State to the other the people are aroused. The men who have so long defied the law are in its meshes. Conspiracies against the welfare of a people have, in the face of determined, unflinching, unswerving public sentiment, no more restraining power than a rope of sand.

The Attorney General at Morehead represents this awakened sentiment. There will be no further trifling; no more miscarriages of justice; no more mobs armed with forged orders roving over the country to slay its enemies.

A few weeks ago an organized band of armed men went to the residence of Mrs. Martin to arrest Cook Humphrey, as they asserted, but as charged by the Commonwealth, and as believed by Humphrey, confederated to kill Humphrey. With Humphrey was a man named Rayburn. The conspirators were driven off, and then returned. At their return Humphrey and Rayburn left the house, and tried to escape. Rayburn was killed. This was the work of the so-called Tolliver gang. When these desperadoes found that they had killed Rayburn, they, in order to shield themselves, applied for, and obtained, a writ to arrest him two hours after his death.

This outbreak was the culmination of a series of dastardly crimes bloodier than those of our Indian annals. The peace officers were compelled to act. Craig Tolliver, Town Marshal; Robt. Messer, Town Constable; four men named Day, Jeff. Bowling and John Trumbo were arrested, and are now under going an examining trial before two Magistrates, Phillips and Moore.

The prosecution has been conducted by Attorney General Hardin with a vigor and an aggressive earnestness that have already alarmed evil-doers. All those implicated in similar crimes, men who have almost come to believe that the forms of the law existed only for their protection, begin to tremble. They are now realizing that an appeal has been taken from ter-

rorized Rowan to the unbiased sentiment of the whole State.

The question at issue is, shall these men have bail? The law says no; public opinion says no; every sense of right and justice says no. Bail means that they will again rove over the country, aweing and overriding the whole community. The majority of the people in Rowan county want to obey the law, but they must have some assurance first that the law will protect them. Heretofore all such prosecutions have usually ended in the release of the accused. Here, as elsewhere, the arm of the law seems to have been paralyzed, and bail has been accepted in the most aggravated cases.

In defense of these prisoners, it is urged that they have only organized the Tolliver gang to defend themselves against the Martin gang. The Courier-Journal finds no Martin gang, unless it is composed of three helpless, unprotected women. It is altogether imaginary, and will not stand a moment's examination.

A Martin did, some months ago, slay a member of the Tolliver faction. He was promptly arrested and taken to Winchester. To the jailer came an order, forged, for the delivery of Martin to a man named Al. Bowling, to be taken to Morehead to stand his trial. Martin begged the Jailer not to surrender him, as he knew the Tollivers would murder him. He was delivered to Bowling nevertheless. Bowling started with his prisoner. As the train neared Farmers, it was boarded by some masked men, and Martin was slain. This left the Martin gang, so-called, three women and a boy twelve or fourteen years of age.

Humphrey had been elected Sheriff, but by threats he was forced to resign, and it was with difficulty A. J. McKenzie was induced to accept the office.



It is urged in behalf of the Tolliver faction that Cook Humphrey was trying to kill Z. T. Young, the County Attorney. In order to maintain this defense, Ed. Pearce was introduced on the examining trial to testify that Humphrey and the Martin women had paid him \$50 to kill Young.

The trial had gone on smoothly enough until this point was reached. To the consternation of the defendants, Pearce not only refused to testify, but he retracted the so-called confession, and stated plainly and unequivocally that he had made the statement to save his life. He had been visited by some of the friends of the Tollivers, who threatened "to take him to Morehead by the Martin route," and believing they meant to kill him as Martin had been killed, he made up the story of bribery.

His retraction aroused the County Attorney, Z. T. Young. He had openly confessed that his sympathies were with the Tollivers, and had turned over the case to the Attorney General; now that he saw the ground giving way under the defense, he asserted his right to cross examine the witness, with the avowed purpose of showing that he was not a party to the threats made to Pearce. As long as he confined himself to this, the Attorney General was silent, but he went much beyond this and sought to show that the confession was, from the nature of the case true and the retraction false.

Young thus put himself in a position utterly indefensible. Never before in a court of justice has a man supposed to represent the people, tried openly to overthrow the case of the people.

It is not necessary to go back of this exhibition to condemn Mr. Young. He owes it to himself, to the people of his county, he owes it to the State to retire permanently from these cases. He stands before the State as seeking a verdict of acquittal for the accused. He must stand aside.

The people will have justice; if not now, then a little later. The law is only a slumbering not a dead lion, and it is awakening.

The facts developed show a condition of society in Rowan that is a shame to civilization. Even if our laws are in some points defective, these defective laws will not tolerate such a wretched degradation of a people. The laws must be enforced. The reign of terror must end. The guilty must be punished. And they will be punished. Testimony of the most convincing character is not wanting, and the State authorities will neglect nothing. Every power the law confers will be exhausted to bring the guilty ones to justice, and the power is all sufficient, as results will show. Local terrorism mutes the law in a small community, but a whole State can not be terrorized.

These cases and others will be pushed with the utmost vigor. Only the guilty need be apprehensive. The Courier-Journal assures the good people of Rowan, and they are many, that the end of the ascendancy of brutality and assassination approaches. All that is asked of the County Attorney is that he will step aside and not attempt to embarrass the prosecution.

#### At Morehead.

The grand jury adjourned Friday, after reporting a number of indictments for murder against persons for killing the Tollivers.

A conflict occurred last week between the Court and Captain McPherson, commander of the State troops at Morehead. Willis Perry, who stands indicted for murder, was at large in the county, and refused to surrender. Judge Cole ordered Capt. McPherson to deliver to Sheriff Hogg the box of Springfield rifles and box of ammunition which had been shipped from Mt. Sterling to Deputy Sheriff A. J. White and captured by the troops, to arm a posse of citizens to arrest Perry. Capt. McPherson declined to obey the order, giving as his reason that his orders were not to release these arms except by command of the Governor. In the meantime Perry is at large.

The trial of Pigman and Perry still drags along. The defense closed Saturday, and the Commonwealth introduced rebutting testimony. Up to the hour of going to press we had not heard the result of the trial.

The petit jury was discharged Saturday until Tuesday. It is probable Court will adjourn this week.

Judge S. E. DeHaven, of Lagrange, has been commissioned by the Governor to go to Rowan and try one Harris, who is charged with accepting a bribe to murder Judge Cole and Z. T. Young.

#### NOT GUILTY.

Hiram Pigman and Ap. Perry  
Acquitted at Morehead.

Court Adjourns and the Soldiers  
Return to Their Homes.

Last Wednesday at Morehead the jury in the case of Hiram Pigman and Ap. Perry declared them not guilty of the murder of Craig Tolliver.

A special from Morehead to the Enquirer says of the trial: "The prosecution conducted by four attorneys, assisting the Commonwealth's Attorney, was pushed with unusual energy. Taylor Young, whose name has been so indissolubly bound up with the troubles in Rowan county, was the leading counsel for the State, doing all the examination of the important witnesses, while the Commonwealth's Attorney remained in the background, never asking a question of a witness during the trial. The defense was ably conducted by Wallace Maguire, G. A. Cassidy, of Fleming county, J. T. Hazelrigg and Boone Logan. The instructions of the Court were such that Taylor Young said they were so strong that they argued themselves. He spoke the truth, and it is understood that in the jury-room it was

#### A SERIOUS QUESTION

With some of the jurors whether or not they should be disloyal to their oaths if they disobeyed the instructions of the court. On this ground they were ready to convict. But there were others among them, some of the most intelligent men on the jury, who asserted that they would stay there forever before they would convict the men who took part in avenging the murder of the Logan boys. The element of uncertainty as to who it was that killed Tolliver and from which crowd of men of several came the shots that took his life had much to do with the decision, and after two hours' consultation the jury decided that the best interests of the county would be best subserved by

#### AN ACQUITTAL.

and they rendered a verdict accordingly. It is generally regarded as a verdict more in accordance with popular feeling than in accordance with the law as laid down by the court, but, based on whatever considerations, it is now irreversible.



Circuit Court at Morehead was a farce and intended as such. While it may be a groundless suspicion, it is nevertheless true that Judge Halbert and Mr. Roe will be severely criticise for the part they played.

Several Democratic papers in the State raised a howl because the State Democratic Committee declared Mr. Tate the nominee for Treasurer without calling a convention, but at the same time they kicked like mules because other papers saw fit to assert that Taylor Young was not a proper person to be nominated as a candidate for Attorney for the Commonwealth. Mr. Tate's record as a Democrat, as a gentleman and as an honest man has never been questioned, while the record of Young (except as to his Democracy) has been for years "in spots." Taylors reputation as a lawyer has not been such as to call him from the classic vales of Rowan to the Supreme bench, nor his brain of sufficient horse power to push him into the Cabinet. If Taylor had been entirely great in anything except rascality it would have been discovered by the gentleman who turns the government crank at Washington. The truth is that the only time that Taylor has told the truth for several summers was when he announced that there was "hell to pay in Rowan." Taylor has made it his business to keep up the "hell to pay in Rowan" ever since. Murder, arson, bullying women, and running off peaceable citizens has been the rule ever since Taylor came to the front and became County Attorney. His crowning infamy was backcapping the Commonwealth by publicly attempting to break down the testimony of one of her witnesses in the prosecution of one of the most unprincipled scoundrels that has lived in Kentucky for fifty years.

The Democratic party has fallen from its high estate, but it has not fallen so low as to nominate and elect Taylor Young Commonwealth's Attorney.—Winchester Sun.

## ROWAN COUNTY.

### THE TERM OF CIRCUIT COURT ENDED.

#### Cook Humphrey Surrenders Himself and Gives Bond.

Circuit Court at Morehead adjourned without having accomplished much. The case of Obanyon Logan and others, for the murder of old man Hughs, and cases against Ed. Pierce, four in number, two felonies and misdemeanors, were continued. In the former cases the defendants were allowed bail in the sum of \$1,000 each; in the latter it aggregated on the four charges \$1,500. Pierce failed to give bond and was brought to this city for safekeeping. All of the cases on the criminal docket were continued.

Monday morning the exiled Sheriff of Rowan county, Cook Humphrey, accompanied by his brother rode into camp at Morehead and surrendered to Maj. McKee. They came from some place in Fleming county, riding all night to escape observation. Humphrey's appearance created great excitement in Morehead, and when asked why he had not come in sooner he replied that he had waited until he thought it was time. A Transcript reporter writes that he "neither looks nor acts like a bold, bad man," but his appearance is anything but that of an outlaw. The total amount of Humphrey's bond of four indictments, \$6,500, was reduced to \$3,500 in consideration of his surrender. He gave bond and his trial was set for the February term. Court then adjourned until next term.

It is probable that the soldiers will return this week.

#### He, No Doubt, Felt Like it.

The breaking up of the Tolliver gang in Rowan county, Ky., in a rather irregular way seems to have had the complete sanction of Gov. Knott. Mr. D. B. Logan, who led the rustic troops who stormed the town of Morehead and killed the Tollivers, simply telegraphed the Governor after the job was completed: "I have done it." This excels somewhat the laconic bulletin of the great Caesar, and it should have been supplemented by a simple message from the Governor, "Shake."—N. Y. World.

## JUDGE COLE HAS FRIENDS.

### Witnesses Who Say He Did the Best Possible For Rowan Under the Circumstances.

#### A Hint From Senator Wright As To What May Be Done With the County.

FRANKFORT, Feb. 17.—[Special.]—The committee investigating the affairs of Rowan county is ploughing deep, and if the wide scope which is now being observed is kept up, it will require an extension of the legislative session before the testimony is all in. The committee met in the Senate chamber promptly at 8 o'clock this afternoon. Every seat was filled, and the standing room was all occupied. Garrett Wall, of Maysville, Laban Moore, of Catlettsburg, and A. J. Cochran, of Maysville, were called, and testified to Judge Cole's high standing as a man and uniform fairness as a judge.

Mr. J. M. Sallee, the Commonwealth's Attorney in Judge Cole's district, was introduced. At first he appeared to know and care little about the tactions in Rowan, but as the questions multiplied, his memory was refreshed, and he made an important witness, although most of what he said was corroborative. He said that at the August term, 1887, at the time an indictment was being considered against Allie Young for turning a prisoner out of jail, Young was permitted to go before the grand jury, and there was no indictment found. Witness did not go before the grand jury and advise not to return a true bill against Young. However, he did not see how there could be any doubt about Young having assisted in turning the prisoners out of jail. Mr. Sallee was asked concerning the conversation in open court between Judge Cole and Daniel Boone Logan at the time one Keaton attempted to swear Judge Cole off the bench, and the court said in the presence of the jury that Keaton would swear to anything. He said both Judge Cole and Logan were a little hasty and excited in their speech, and one was about as much to blame as the other. Witness had heard people in Rowan county connect Judge Cole with the Tolliver side; still, he thought that Judge Cole could do as much as any man who might sit upon the bench there.

In his testimony, Mr. Sallee said that the posse organized at midnight on the night previous to visit Morehead, June 22, after killing the Tollivers, had plundered some of the houses and carried off some property. He was afterwards cross-examined by Mr. Logan on this point, and his statements were modified to a certain extent.

Mr. Sallee was before the committee an hour and a half all told.

Judge John E. Cooper, of the district adjoining that presided over by Judge Cole, said that all of those members of the bar he had heard speak of Judge Cole gave him a good name.

"If the Legislature determines to put Rowan county in your district, do you think you can preserve law and order there?" asked Senator Wright.

"Before the Legislature gets Rowan county into my circuit it will have to do two things," responded the Judge. "First, a new judicial district must be established." The main question was lost sight of in the discussion which ensued relative to a transfer of Rowan county to another district and Judge Cooper was allowed to stand aside.

John F. Hagar, an attorney of Ashland, who formerly practiced before Judge Cole, gave him the reputation of a model man and a conscientious man.



J. L. McClellan was next called. He now lives at Huntington, W. Va., but formerly resided at Morehead, where he had charge of the office of the Chesapeake and Ohio road. He had attended the Rowan Circuit Court frequently and in criminal cases he had observed Judge Cole to be a fair and impartial man.

Mr. Newman, of the committee, asked McClellan about a conversation he had held with Boone Logan in Huntington after the 22d of last June.

The witness said he had held a conversation with Logan, and he had said that the posse had come to Morehead to kill the Tollivers.

He subsequently admitted Logan had also said that if the Tollivers had surrendered, they could not have been killed. [There is doubt as to whether the Tollivers or the posse commenced firing first.]

The witness was next taken by Mr. Gilbert, and it was developed that he was a Tolliver sympathizer; had purchased cartridges for that side, loaned them his gun to fight with, and had signed bail bonds for John H. Swim and others of the Tolliver party.

These bonds were forfeited, and the witness did not know whether an attempt had been made to collect on them. At 6 o'clock the committee adjourned to meet at 8.

A. J. McKenzie, formerly Sheriff of Rowan county, was the first witness placed on the stand in the evening. He said he was a member of neither faction, and told a straightforward story of the trouble.

Mr. Sallee was recalled and testified regarding certain bonds fixed against a Logan-Martin party and a Tolliver-Young party, for the same offense, conspiracy. Those against the Logan's were placed so high (\$9,000) that some of the defendants had to go to jail, while the Tolliver-Young men were liberated on bonds ranging from \$2,500 to \$1,000. The indictments, owing to other things, charged them with conspiracy to kill Judge Cole. The Judge fixed the bonds in these cases himself. Several other witnesses were examined and the committee adjourned until Tuesday afternoon.

## THE ROWAN INVESTIGATION.

### Judge Cole Will be Whitewashed and Rowan Abolished.

The evidence before the Rowan Investigating Committee was concluded at Frankfort Friday, and Hon. W. H. Wadsworth, of Judge Cole's counsel, made a two hours argument before the Committee. The Courier-Journal correspondent gives the following report of his speech: Mr. Wadsworth is a very graceful if not an artful orator, and he made a very interesting presentation of the facts from his standpoint. He began by saying that the bar of the Fourteenth Judicial district had been surprised to hear charges made against Judge A. E. Cole. The investigation just closing had been full and free, not confining itself to facts within the knowledge of the witnesses. Mr. Wadsworth said he did not think any man could have passed through the ordeal of sitting on the bench of the Rowan Circuit Court with so little blemish upon his official robe as Judge Cole. There was no complaint, because Gov. Buckner, relying upon the reports of the Adjutant General and Capt. McPherson, saw fit to call the attention of the Legislature to the case. Judge Cole's friends were thankful that the charges had been made in such a form that they could answer. He then quoted from the Governor's message that portion which related to Rowan county affairs. He then maintained that the allegations so specifically made had not been sustained. The reputed faction leader who controlled the Judge of the Rowan Circuit Court had not been discovered. But it was manifest that the man referred to was Zachary Taylor Young. It appeared to Mr. Wadsworth that people should adduce their proofs, or hold their tongues.

Mr. Wadsworth next observed: "If Zachary Taylor Young is the leader, in the language of that great newspaper (meaning the Courier-Journal) that has sought, through its correspondent, to control this investigation, 'he should be abolished.' This petty shaft aimed at your obedient servant was wholly gratuitous, as each member of the committee, or any liberal minded man will testify. Mr. Wadsworth next reverted to a review of the bloody deeds of Rowan, his prime purpose being an apology for Taylor Young, and to show that Young had control of no faction, nor had any Judge at his beck and call. He described the tragedies in their order successively, and at times graphically. Occasionally he was quite severe in his reference to Boone Logan. If any man, he said, had been active in assisting the committee to find information to cast a reproach upon Judge Cole that man had been Daniel Boone Logan. He has directed the minds of the committee. If he knew of any evidence he has brought it to light, and when a witness was necessary, he procured the witness.

But we have his testimony to show that his attitude towards Judge Cole now is a complete revulsion of the opinions that have been heretofore expressed by him.

After this, Mr. Wadsworth confined himself more particularly to replying to the charges against Judge Cole, commenting at length upon the insufficient testimony. He said that the evidence showed a majority of the men who had served as Jury Commissioners were men without blemish; otherwise he showed that Judge Cole had always done the best he could to uphold the majesty of the law. "Put yourself in his place," he exclaimed, facetiously. "How would you like to hold a term of court or two in Rowan county?"

This sally caused general merriment. Frequently after that Mr. Wadsworth spiced his speech with anecdote and happy illustrations, which greatly relieved his tale of woe and tragedy.

Mr. Wadsworth proceeded to show that with the military in mutiny and other conditions not favoring, Judge Cole had an almost impossible task to hold court in Rowan. He combated statement after statement made against the Judge, and closed by requesting the committee to impeach Mr. Cole, if there was any evidence upon which to base such a transaction.

### A Meeting in Rowan County.

FARMERS, KY., March 1, 1888.

In pursuance to a called meeting of the citizens of Farmers and vicinity, S. Crain was called to the Chair and J. M. Brain appointed Secretary. The following resolutions were adopted:

**Resolved,** As citizens of Farmers precinct No. 2, in Rowan county, Ky., believing whiskey and ardent spirits an evil, we will use all honorable means to suppress this evil. Further, we pledge our support to the officers to have all law enforced, and that law-breakers have no place in our midst. We further thank our Marshal, Robert Cassity, for his noble work done in this county.

**Resolved,** That we ask our Senator and member of the Lower House to vote against any bill which might be brought up before the Legislature to abolish the county of Rowan.

**Resolved,** That we forward the proceedings of this meeting to the MT. STERLING GAZETTE, Highland Blade, Owingsville Outlook, Flemingsburg Gazette and Mt. Sterling Sentinel-Democrat, and they be requested to publish same.

### Communicated.

The Legislature is thinking, from all reports, of abolishing the county of Rowan. Now I want to put this question to these modern Solons: What is necessary in order to abolish a county in the State of Kentucky? I shall attempt to answer for them. In the first place, I remark, that the Legislature has no power to repeal the act which established the county of Rowan. The qualification of this remark will be found in my answer to the question asked above. This county was made a county upon the petition of citizens of this place. Now, what does that mean? Why, it is a contract entered into by the power which moves this great Commonwealth and the citizens in the petition. Now then, to abolish the county would mean to impair this contract, and therefore I hold the opinion that the constitution of Kentucky does not provide for the impairment of contracts, and consequently the Legislature has no right or power to snatch the county of Rowan from the position she holds in relation to the Commonwealth. Some one says abolish her because she is not self sustaining. The Legislature would have a nice time rubbing out counties if they were to abolish every county that is not self supporting. Now I want to put this question to the General Assembly for their serious consideration, and I trust they will study this business closely before they vote for the abolition of our county. Let us suppose that Rowan county is to be abolished. This neck of the woods would be a woods sure enough. If there was any lawlessness brewing, and Morehead being (in case the coun-

ty is abolished) 20 miles from a court of justice, would you ever see a Sheriff in this part of the country? Hardly, I think. It would be too far to come, and suppose he were to come around semi occasionally, could he make any arrests? I think it would be doubtful. Let me say to those who represent us, don't bother our prospects any more by talking about ruining us. There are more than 1,000 good men in Rowan county who favor the enforcement of the law to the letter, and who have always been for right and for the good of the people. There is a new class of folks moving to this place bespeaking for Morehead and Rowan county a better future and a name as famous for the rigid enforcement of the law as she has been famous in the past for disorder. In conclusion allow me, Mr. Editor, to remark that the people of Rowan county are as good a people as you will find on the face of the earth, and pray tell me, are they to suffer for the misdeeds of cut-throats and thieves who come from other counties and commit depredations in their midst? The people are opposed to abolishing this county, first, last and all the time and they ask the Legislature to think well and long before they destroy the prosperity and happiness of the people of Morehead and Rowan county by abolishing the county, or by talking about it. We don't believe they can abolish it no how, but we are mighty tired of hearing it talked about. Let it stand. Give us a rest and a chance, and we'll come to the front and be classed in the future with the law abiding people of the Commonwealth. CITIZEN.



Many people regard the result as a settlement of the Rowan county troubles. Whether or not they are correct, time alone can tell.

The attorneys for the defense were much elated over their victory, but there was no demonstration.

Hiram Pigman and A. Perry have been surrounded by the ladies of their families throughout the trial, and their friends have stood by them loyally. Perry's wife and child were by his side when the jury came down. Pigman, who had borne up bravely during the trial, broke down as the jury descended the stairs from their room with a ver-  
dict and wept like a child. Presently the jury was called and the verdict read, which acquitted, and tears gave way to smiles, and there was general hugging and congratulations. Judge Cole looked a trifle paler than usual when the verdict was rendered.

After asking, "Gentlemen of the jury, is that your verdict?" and receiving the reply "It is," he turned to the prisoners and said: "Hiram Pigman and A. Perry, you are discharged."

#### THE THROG

In the Court-room made a rush to get past the soldiers and out into the yard. The knots of men gathered all over the town discussing the situation. There was no levity, but the matter was treated with the gravity it deserved."

The case of John Trumbo, indicted as an accomplice of John Keeton in the attempt to murder Howard Logan, was hurried through in short order, and resulted in acquittal.

Court adjourned Friday evening, and Judge Cole returned home. D. B. Logan was in Mt. Sterling Saturday on his way to Huntington, where he expects to reside in future. He said the Tollivers were all in Morehead heavily armed, and that he did not think the trouble was at an end, but that he thought bushwhacking would be resorted to.

The State troops received orders Saturday to break camp and return home on a special train prepared for them. Capt. McPherson, commander of the troops, was directed to return all the arms taken from the citizens to their respective owners, but to take the box of Springfield rifles and 2000 rounds of ammunition seized while in transit from Z. T. Young to A. J. White, Deputy Sheriff, to Frankfort and turn them over to the proper authorities. Saturday afternoon, as the soldiers were preparing to leave Morehead, Capt. McPherson was approached by Z. T. Young and Jerry Wilson, who demanded the guns, but Capt. McPherson declined to surrender them. Sunday afternoon when the special train bearing the soldiers reached Mt. Sterling, Deputy Sheriffs Burroughs, Clay and Jones were at the depot and pre-

sented Capt. McPherson with an order of delivery from the Montgomery Circuit Court for a box of Springfield rifles, of No. 50 calibre, sued out at the instance of Z. T. Young and Jerry Wilson, but Capt. McPherson declined to surrender them. There was quite a crowd at the depot, and a ripple of excitement was created while the conversation between the Sheriffs and the militia was going on, but the officers of the Court were simple doing their duty and left the train on the captain's refusal to surrender the guns. Deputy Sheriffs Burroughs and Jones went on to Frankfort, and a Lexington correspondent says: "Sheriff Burroughs is afraid that the Rowan county troubles will follow Taylor Young to Mount Sterling, and that Montgomery will be dragged into the dispute. It is a prospect which the citizens of that county do not regard with much favor."

We should think not.

The Louisville Post, in closing an editorial on the resolution in the Legislature to investigate the late Rowan county troubles, and especially charges preferred by the Adjutant General of the State against Circuit Judge Cole, says:

The Legislature will do the State great service if it goes to the bottom of this matter. We have been suffering too long under an inefficient execution of the laws. All kinds of crimes, but especially crimes of violence, have been allowed to go unpunished. Murderers of the most cold-blooded type have passed from the doors of our court-house scot free time and time again. The law is a laughing-stock in many localities, and every citizen trusts to his hip pocket for protection. It is high time that some sort of a change was being made, and the Legislature is the only power that can work the change. Let every Judge be investigated whose court has allowed flagrant criminals to escape. Let the most stringent laws against violence be passed and the most severe penalties attached to carrying deadly weapons. This will wake up the people to the needs of the hour. Let a few judges be impeached for malfeasance in office and the courts will be waked to do their duty. The most serious need of Kentucky is to put an end to violence by punishing offenders. The Legislature should go to work on this line at once.

#### GENERAL GRANT.

In one of his pencil talks in the last few days General Grant wrote to one of his physicians: "I have admonitions that the doctors know not of, and I think it doubtful that I shall last much longer than the end of this month. If I thought I should remain until the winter set in I do not think it worth while for me to bear the discomfort of waiting."

A letter to us from a soldier at Morehead says the boys are very much incensed at the Sentinel-Democrat for its unjust attack upon them last week. They say they have not sided with the Martin faction because it was the Martin faction, but that no unbiased man could stand by and witness a farce without expressing an opinion, and a very decided one. The soldiers are nearly all of the same politics as the Tolliver faction, but they say they are unwilling to see justice trampled under foot for the sake of politics. Every man in the camp brands the statement of the Sentinel-Democrat as a pernicious falsehood.

#### A RATTLING REPORT.

Captain Macpherson's Account of the Morehead Military Encampment.

Not Very Complimentary to Judge Cole.

Captain Ernest Macpherson, commander of the State troops recently stationed at Morehead, has made a lengthy report to the Adjutant General; in fact, it is entirely too lengthy to be reproduced here. Below, however, we give some extracts from the report, which furnish some very interesting reading. Speaking of the trials he says:

"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 justify 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 excuse in the mutual accuracy of their application, or whether such accusations are to be 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 truth, they induced no



apprehension of a necessity for military interference; and particularly as they appeared 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 vs. John Keeton was called for trial, and the affidavit of the defendant and two reputable house-keepers, asserting the belief that the presiding Judge would not afford the defendant a fair and impartial trial, was, by the defendant's counsel, handed to the Judge, he remarked after reading the instrument aloud, that 'he was not surprised; that John Keeton would swear anything; that he had sworn to so many lies already that he was not astonished that he should swear that he (the Judge) would not give him a fair trial.' This observation of his Honor was delivered in the presence of the jury that was to be selected, to try Keeton.

"In endeavoring to ascertain by impartial inquiry of the reputed leaders of the two factions, the true cause and history of the quarrel, it was discovered that many of the murders had been committed under the form 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 sitting 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 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 trouble, 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 members of the jury; and, in the investigation which followed, Z. T. Young took it upon himself to 'defend the court and jury 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 the grand jury, but that he appeared as a 'friend of the Judge and a lover of right and justice.' It should be parenthetically remarked that 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 so 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 sitting of the court, proceeded to summon 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."

Of the Pigman and Perry trial he says:

"Pigman and Perry were shown to be men of excellent character. Neither of them parties to previous killing 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 up by Z. T. Young, were, 'Convict these defendants.' The jury, however, were 'good men and true,' and, to the evident surprise of the court and chagrin of the prosecuting attorneys, rendered a verdict of 'Not guilty.' These jurymen had been summoned from Fleming county. Their names were Noble H. Crane, Andrew Porter, W. H. Smith, Wm. E. Courney, James P. Allen, Wm. 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 lives, liberties and properties of the citizens, willfully disregard or timidly refrain from discharging their duties, the citizen has the right to defend himself. This is the mere reaffirmation of a just and primary principal of government, belief in which induced the foundation of our republican institutions."

After giving an account of the evidence concerning the cold-blooded killing of the Logan boys, and an interesting account of the capture and retention of the Springfield rifles, he concludes with the following suggestions:

"In concluding this somewhat lengthy report, the following suggestions are offered: 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 apprehension, or belief, 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 purpose, but it would be unnecessary 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 wrongs committed by both parties can never be righted. The verdict of the jury in the Pigman case was received with gratification by the law-abiding people of Rowan, and its effect can be but wholesome. I think it would be advisable to pardon Pigman and others against whom still stand indictments for the killing of the 22d of June. No one expects a conviction in these cases, and their trial would serve to revive animosities which should be quieted if possible."



### ROARING ROWAN.

#### As Peaceful as a Lamb, and the Work of Investigating Goes Bravely (?) on.

The following dispatch in last Saturday's Enquirer shows up the affairs in Rowan county in a very bad light for the Tolliver faction. This was written by a man who is in a position to know, and we give it to our readers as it came from his pen:

"Although the State militia has been in Rowan county nearly four days, little has been accomplished toward securing the desideratum of their mission—that is, restoring order. Indeed, it begins to look like the whole proceeding, in the light of events hereinafter detailed, is a farce, and will fail of its intention most signally.

The civil authority is vested in the County Judge in the absence of the regular Circuit Judge. To this County Judge, whose name is Stuart, is the military subordinated. To him lies the vindication of the laws, and the only present appeal in this present disordered condition. He (Stuart) has finally been discovered and brought into camp. A number of warrants have been sworn out before him against parties of both the factions. To show the sincerity of the prosecution, the self-styled conservators of the peace, who, under the pretext of performing their duties, surrounded the Martin house, and, after killing Rayburn and wounding Humphrey, burned the house down over the heads of the defenseless occupants, who were women, one of them enceinte at that, having been arrested upon warrants charging that there were reasonable grounds for believing that they were guilty of shooting in the house of Benjamin Martin on June 28th, and commanded that they be brought before Judge Minnick, to be dealt with according to law. Under this warrant Jeff Bowling, one of the most notorious desperadoes belonging to the Tolliver faction, was arrested and brought before the aforesaid Judge, and put under a bond of \$250.

Attorney-General Hardin, who is in Rowan, representing the Commonwealth, told the Constable, whose name is Messer, who made the arrest, that he would not have anything to do with the proceeding against Bowling, because he thought it was all sham.

The Coroner, Johnson, who was fired upon and disappeared so mysteriously, has just come into camp, and has had an earnest conversation with General Hardin. It is believed that what this Coroner has to say will set the ball rolling and break the inaction of which the hardy soldier boys are becoming so tired. It is believed that he can tell a story which will expose some rottenness among the Tolliver faction, the at present law and order party who pretend to regard a legal inquiry into their conduct upon the occasion of the killing of Rayburn as synonymous with their entire vindication.

A J. McKenzie, a former Sheriff, has been appointed Sheriff temporarily. He is a thoroughly brisk looking man, and looks quite equal to a good sized emergency. A member of the Tolliver faction told your correspondent that McKenzie favored the Martin faction, while another party, whose leaning I could not discover, but who seemed equally willing to speak, said that McKenzie belonged to the Tolliver faction. But to whichever party he does belong, this is plain, that it is almost impossible to fill responsible positions with non-partisan men, and that the majesty of the law is lost sight of in the prosecution of this feud.

The men who fired on Z. T. Young have not been arrested. Indeed, no steps were taken looking toward their apprehension, until day before yesterday. The soldiers stood idly by, not having the direction of the civil authority to make any arrests. There is something suspicious surrounding this shooting, and it is believed by many that it was a pre-arranged affair.

Craig Tolliver is recovering from the load of buckshot fired into him by Humphrey while undertaking the latter's arrest. Referring to this matter, there is a phase which has never before been given. It has been published by the Tolliver faction and those engaged in the attack on Martin's house, that they went there with a warrant for the arrest of Humphrey. There was a warrant for the arrest of Humphrey for unlawfully shooting at one Craig Tolliver. They have a rude way of formulation there, but the Coroner, Johnson, had this warrant and has it yet, so Tolliver and his men proceeded without authority."

The following parties have been arrested charged with the murder of Ben Rayburn: Jeff Bowling, John Trumbo, Boone Day, Robert Messer, James Oxley, Nick Day, Craig Tolliver and H. M. Keeton. Their examining trial was set for Monday. In these cases Gen. Hardin and Z. T. Young are representing the Commonwealth, and A. L. Young the defendants. Gen. Hardin had better keep his eyes open if he wants to see justice done.

At Farmers Friday night the house of Marion Tolliver was burned, and a gentleman who came from that place Saturday informed us that it was the general opinion there that this was the work of the Tolliver faction, done by order of their leader, for the purpose of moulding public opinion in their favor. Attorney General Hardin has intimated that the examining trials which have been held so far are farces, and has announced his intention not to continue them.

Monday was County Court day in Morehead, and a large crowd attended, all orderly and well behaved. Three more prisoners, G. A. Day, G. P. Day and James Oxley, were brought in charged with the murder of Ben Rayburn.

Mrs. Yina Martin was also arrested on a charge of selling poisoned food to the proprietor of the Cottage Hotel, for the purpose of poisoning Craig Tolliver, who is confined there. This is but a scheme of the Tolliver crowd to break down the evidence of Mrs. Martin, who is the strongest witness against the murderers. Mrs. Martin has too much sense to thus entrap herself, and under the circumstances, the Tolliver crowd would refuse to buy any food from her. It is a fixed up job.

### News From Morehead.

Saturday evening Jesse Coldiron, a Martin man, and Mick Day, one of the recently acquitted Tolliver gang, got into a difficulty, in which the latter was badly used up. The Sheriff attempted to arrest Coldiron, but the latter took to the brush. Monday morning he was arrested in the bushes near his home. The warrant for breach of peace was dismissed, and he was tried for assault and battery. In the absence of the County Attorney, three soldiers, all belonging to the Cerro Gordo Guards, of this city, were appointed counsel. Sam. H. Kash for the Commonwealth, and A. G. Lockridge and J. B. Marcum for the defense. Coldiron was fined "one dollar or so," in the language of the distinguished County Judge. Day was held on a charge of using abusive and insulting language.

Circuit Court begins at Morehead next Tuesday, and the Sheriff is making a desperate effort to have somebody there to try when it does convene. Ed. Pierce is the only man in jail. In the absence of Judge Cole, we presume the Governor will appoint a special Judge, and the probability is the gang will get a smell of justice.

Mrs. Martin's trial, for attempting to poison Raine's family, was set for yesterday. We have not heard the result.

DR. R. Q. DRAKE, J. T. HIGHLAND.

### Harry Clarke's Part in the Logan Tragedy.

FRENCHBURG, KY., June 20, 1887.

Editors Gazette:

As in your issue of the 15th inst, you publish an article in reference to the late unfortunate and lamentable killing of the Logan boys in Rowan county, in which quotations are made from a letter published by H. M. Logan in the Commercial Gazette referring among others to Henry Clarke, I should like, therefore, that you would publish the following by way of explanation.

In that letter Henry Clarke is referred to as "one of the gang." I do not intimate nor intend any ill feeling against H. M. Logan by what I write, but desire the matter shall be correctly stated. Suffice it to say then, that Henry Clarke is my son, is now in his 21st year, and more boy like and younger in appearance than a majority of boys of his age. He was raised at Morehead until the spring of 1885, when my family went to the State of Missouri. He had been absent from Morehead more than two years, had never had any connection with the feud, and had not an enemy there that I am aware of. Among other relations he had a half brother and uncle living there, and a sister there teaching a class in music. It was to visit them and his friends that he went there on Saturday before the killing occurred, and would have left for home on the morning of the killing, only that he was induced by some of his relations to remain until the next day, as they intended then to come down the road, also. In the afternoon of that day he went to the postoffice to see if there were any letters from home, and while standing near the office, having no knowledge whatever of what was going on, a posse of men came around the corner and he was summoned by the marshal of the town to go and assist in making an arrest, not knowing at the time who was to be arrested. He says he felt bound to obey the summons, and that is how he happened to have any connection with the matter, but he had no "Winchester rifle," and he tells me further, that he never told to any one what Mr. Logan has published in the Commercial Gazette as coming from him. How Mr. Logan got it I don't know; he never saw Harry, and Harry denies emphatically that he never told any one what Logan has published. I state further, that Harry was on terms of the most perfect friendship with the Logan boys, and also, with every other person he knew at or near Morehead. It was impossible for him to have had (in the state of his feelings,) any motive or desire whatever to injure them, and his action in the premises was induced by his belief that it was his duty and that he was bound to go, and with no intention of doing wrong.

Very Respectfully,  
JAMES E. CLARKE



## THE FARCE ENDED.

### The Rowan Outlaws Cleared by the Examining Court.

### Craig Tolliver Rearrested and Taken to Ohio.

The acquittal of Craig Tolliver and his confederates at Morehead was not a surprise. It had been understood all along that Justice Phillips had made up his mind to release the prisoners from the start, and General Hardin had no hope of holding them over. It was the opinion of Justice Moore that they should be held over for further trial without bail. This radical difference of opinion leaves the impression that the trial was a farce and a put up job from the beginning, and as the Courier-Journal puts it "the decision of Phillips will arouse even a deeper indignation throughout the State," and in the end the law will triumph and the reign of this gang will end.

Just as the prisoners were released, Craig Tolliver was arrested by Deputy Sheriff Rogers, of Fayette county, on a requisition from the Governor of Ohio, charging him with robbery committed in Hamilton county in 1882. It is said that Tolliver was indicted in Rowan county in 1879 for cattle stealing, and fled the country, going to Ohio. He remained there until the indictment in Rowan was fled away. While in Ohio he was married, and, in company with three other men, robbed his mother-in-law, and it is said, killed a man in effecting the robbery. He deserted his family and returned to Rowan, and was entirely lost sight of by the authorities in Ohio till the recent troubles in Rowan, which brought him so prominently into notice.

Tolliver was taken to Lexington and placed in jail to await the arrival of parties from Cincinnati to identify him. The witnesses recognized him easily as the man wanted, and he was taken to Cincinnati and turned over to the authorities. It is to be hoped that he will receive the justice in Ohio that he escaped in Kentucky.

#### GOVERNOR KNOTT'S OPINION.

The following letter from Governor Knott to Assistant Prosecuting Attorney Pugh, of Cincinnati, several days before the acquittal of the outlaws, concerning the requisition for Craig Tolliver, shows that he regarded the trial as a farce, as we have stated above:

DEAR SIR.—I came here on yesterday to look after the condition of affairs in this locality, and on my arrival General Hardin handed me your letter of the 11th inst., which he had received the day before, and concerning which he had just written to me. I am inclined to the opinion that the examining Court now investigating the charges against him here has been organized to discharge Tolliver and his confederates, let the proof be what it may, and if it should, I am anxious that he should be delivered at once to the authorities of your State for trial on the indictment for robbery pending against him in your Court. I would therefore suggest that you procure a requisition as soon as possible and mail it to me at Frankfort, and that you have Pat Punch, Marshal of Mt. Sterling, Ky., appointed agent. My reason for the latter suggestion is that there may be no delay or trouble in his rendition. If he is not apprehended while the troops are here and taken to Lexington under military guard there will be difficulty in arresting and delivering him at all, as I think his people would not hesitate a moment to attempt his forcible rescue. If he cannot be held for trial here, and I am prepared with the proper papers, I will have him seized while I have a sufficient force at hand to prevent any such attempt by his friends, and undertake that he shall be delivered. If Governor Hendon shall not think proper to appoint Mr. Punch as agent it will make no difference to me, as my only object in making the suggestion is that the promptest action may be had if it shall be necessary to send him. Of course I need not say that it would be best for the arrangement to be known only to the Governor and such others as must of necessity become acquainted with the facts, for if the slightest intimation of it should reach his friends here he would, in my judgment, be allowed by his present guard to escape, and once in the mountain gorges around here he could elude arrest indefinitely.

I am, very respectfully,  
J. PROCTOR KNOTT, Governor.

The Courier-Journal in replying to the passionate defense of the Sentinel-Democrat, says:

"The Courier-Journal has never made the charge that 'Taylor Young is at the bottom of all the devilment.' His friends accuse him by their readiness to excuse him. We can assure the Sentinel, and all other apologists of the murderers and marauders, that whoever is at the bottom of it, he will be uncovered before many days, and when he is, all the power of Phillips, or a dozen Phillipses, can not save him.

We have a charge against Mr. Young, and it is a serious one; to our mind the most serious one that can be brought against a man in his position.

Our charge is that he, as County Attorney, allowed the influence of that office to be used to shield certain criminals; that he, as the representative of the State, has in open court confessed his sympathy with a gang of outlaws; that he openly and persistently sought to break down the case of the Commonwealth, and that when the chief witness for the defense testified boldly and most conclusively against the accused, Mr. Young, who had not a word to say for the State, threw himself into the case with a reckless disregard of the obligations of his office, and used all his power and all his ingenuity to save the theory of the defense from utter collapse.

These we repeat are the most serious charges which could be brought against a man who occupies before the community the position occupied by Mr. Young. The evidence to support these charges is before the people of the State. It is furnished by Mr. Young himself. His words and actions are all matters of record. They can not be concealed; they cannot be covered. Even so ardent an advocate as the Sentinel can not call in question this testimony, nor can it impeach our witness. Out of his own mouth is he convicted. He has done violence alike to law and justice. He has made plain to all observers the cause of the prevailing crime in Rowan. It is not necessary to charge "arson, murder, rape, conspiracy," to account for ascendancy of the Tollivers, to explain the frequent murders, to account for the unchecked lawlessness of Rowan county. Mr. Young has explained it all. His active and openly expressed sympathy with the men accused of killing Rayburn, of burning the house of three defenseless women, and of imprisoning two of them without warrant, tells the whole story.

The Sentinel seeks to avoid the issue by such sentences as this:

"We would warn our contemporaries that the title Attorney General can't make a lawyer of one who is not a lawyer, and that a country-cross-roads lawyer becomes no more learned because of such a distinguished title."

As a statement of fact this is true; the insinuation it contains has absolutely no grounds to stand on. Attorney General Hardin went to Rowan to uphold the honor of the State, and he did it nobly. Every one feels that the action of the Attorney General has relieved the State of a part of the disgrace inseparable from such a trial. But for him there would have been no pretense even of an examination. Until he went there the Tollivers were a law unto themselves. Craig Tolliver dragged a helpless woman to jail through the streets of Morehead. He had no warrant; he preferred no charges. The woman had come for a doctor, but she was put in jail and kept until morning and during the night her home and all her little savings were burned, and her mother driven to the hills and compelled to stay there all night. There was not a man in Morehead, with the Tollivers unrestrained, who dared to do or say anything in behalf of these women, and they were pitifully defenseless until the Attorney General appeared in Morehead. Hence these assaults on that officer. He represents not only the dignity and power of the government; in this mission he represents the conscience of the people, and this conscience, awake at last, even the people of Rowan must obey. It is not strange that a journal which

defends Phillips and apologizes for Young should not deem the Attorney General a lawyer. He declared in Rowan a law new to that people—a law which has been trampled in the dust; a law which for years the County Attorney has failed to uphold, but it is the law as maintained by every civilized community, a law which is the corner-stone of every government, a law which the people of Kentucky are determined to vindicate, as binding now as when Jehovah proclaimed from Mount Sinai: THOU SHALT NOT KILL.

Circuit Court at Morehead may have been conducted properly, and the officers and grand jury may have made some effort to ferret out the guilty parties in the recent murders in that county; but it is true that no indictments were found against the parties who murdered Bumgartner and Rayborn and Martin and burned the Martin homestead, while on the other hand Sheriff Humphrey was indicted for shooting and wounding and conspiring to murder, and old Mrs. Martin for attempting to poison. If this is not persecution, then we are at a loss to know what name to give it. We firmly believe that no attempt was made to indict the Tolliver faction, and it was not the purpose of the Court to bring them to justice.

There is no doubt but what Judge Halbert and Mr. Roe have placed themselves in a position to be criticised, and they can not hope to escape from it. Considering the condition of affairs in Rowan, and the widespread belief that the Governor should be allowed to appoint a special disinterested Judge to hold Court there, we cannot see how it is possible that a man with any regard for his integrity could consent to go there and be used as the instrument to thwart and defeat the ends of justice. We know nothing of Mr. Halbert. He may be an honest, upright man, with the purest of motives, but he has certainly made a mistake if he is, and if he is not, nothing better could be expected. To add to the suspicion that this was a prearranged affair, we are informed that an attorney of this city was solicited to go to Morehead and assist in organizing Court by a friend of the Tolliver faction, and he refused. This was certainly an attempt to prevent the appointment of a Judge by the Governor, and this fact adds to the suspicion that



## FLEMING COUNTY OBJECTS.

### A Strong Opposition To Receiving Any Portion of Rowan At the Hands of the Legislature.

FLEMINGSBURG, Feb. 27. — [Special]. — There is probably more interest felt here in the outcome of the Rowan investigation than anywhere else in the State, except at Morehead and Frankfort. Judge Cole made his start in the world at Flemingsburg. Here he practiced law, and it was in Fleming county that he first held office. He resided here after being elected Commonwealth Attorney and Judge of the Fourteenth Judicial district until some eight or nine months ago, when he removed to Maysville. He is, therefore, personally well known to the people of Fleming. Since the beginning of the investigation proceedings events have been closely watched, and the COURIER-JOURNAL has been relied upon for reports of the investigation. The county papers in the district, with one exception, have printed only partial reports, using the testimony favorable to Judge Cole, or printing nothing. These papers published by his uncompromising friends in this section, instead of printing a synopsis of the testimony, have treated their readers to comments of their own, reflecting upon the COURIER-JOURNAL and witnesses against Judge Cole, with assurances that the "investigation points to the complete vindication of Judge Cole." Those who have read reports of the "trial," however, are not quite so rosy in their hopes and expectations. I think I can say with entire confidence, however, that a vindication of Judge Cole by the committee will be hailed with satisfaction, even by those who do not class themselves among his warm personal admirers, among us.

But the question that most deeply concerns the people of Fleming, is the action of the Legislature in its practical Rowan problem. They are opposed, almost unanimously to the dismemberment of treatment of the Rowan and the reannexation of that portion of its territory taken from Fleming county. They do not want any of Rowan's mountainous territory, nor its turbulent, lawless population, and they are considerably aroused on this subject. To reestablish the old county lines, that portion of Rowan which includes Morehead, would belong to Fleming, and the Republican end of the county, with a Republican majority of about 500 would be added to Fleming, making it a pretty strong Republican county. The distance from the court-house to Morehead is twenty-six miles, and the distance to what will be the Carter county line, is thirty-seven miles. To govern such a population as inhabits that section of Rowan, from such a distance, will be out of the question. It will be virtually to turn the outlaws loose, and leave them without restraint, for no Deputy Sheriff is likely to be found, who will venture into these fastnesses to make an arrest, with the certainty of being shot "too full of holes to live."

But the Fleming people object to having saddled upon them the cost of governing these people, of enforcing the law and supporting their pauper population, to say nothing of making Fleming responsible for the disgrace attached to the lawlessness of what will then be as much Fleming as Rowan, if the old lines are reestablished. It is understood here that Judge Cole's strong friends are favorable to the "abolition" proposition, because they see in it the mildest form of censure for him. This is the plan of the Judge's Maysville friends. The Fleming people regard this as a very costly vindication. It is unfair that so many innocent people in Fleming should be made to suffer for the sake of vindicating even an innocent Judge.

There is considerable talk of getting up a remonstrance against the proposed annexation, but this is opposed by some of the Judge's friends, who are fearful that a remonstrance would interfere with his vindication. It would seem to be a strange way of settling the Rowan difficulty by dismembering the county and throwing the disturbing element into another county of the same judicial district, presided over by the same Judge, who confesses that he has tried to administer justice in Rowan and failed.

## SOME PLAIN TALK.

There is no use to longer attempt to disguise the fact that the war in Rowan county is a political one. We have known this all along, but were loth to believe that this Democratic administration in Kentucky would allow this thing to continue. We believed that, like Cleveland, they would draw the line at murder. But when a Republican Sheriff appealed to Governor Knott for aid it was refused him. A miserable peace commission, which was a disgrace and a failure, attempted to put a stop to this lawlessness by compromising the honor of Kentucky and allowing these assassins to go unwhipt of justice. This entire transaction was but a farce, and played right into the hands of certain men in Rowan county who at this moment should be swinging at the end of a rope. Every Republican of any prominence has been compelled to leave Rowan county, and sacrifice his business and his property, and this grand Democratic government has winked at it all and made no attempt to protect its citizens from a gang of the meanest murderers and bushwhackers that ever infested a civilized Commonwealth. They have not stopped at murder, but have abused helpless women and burned their houses over their heads. We boldly assert that it was and is a vile conspiracy among certain leading Democrats, aided by miserable, murdering tools, to run every Republican away from the county; if not, to murder them. Every man who has been killed, with one exception, was a Republican; every man who has left the county, with very few exceptions, is a Republican. The Democratic papers may howl as much as they please, but these are facts. And this bears us out in the statement that it is a conspiracy for this purpose. *It cannot be denied.* The people of this county, of both parties, know who is at the head of this business, and a volcano is slumbering at their feet, which will ere long burst and show them up in their true colors. Murder will out.

WEDNESDAY, MARCH 21, 1888.

### WILL THE LEGISLATURE DEAL THE FATAL BLOW?

Will the Legislature of this grand old Commonwealth destroy one of its counties?

If so, will some one tell us how it can legislate out of existence the terms of office of a score and more of officers, who hold their offices and exercise their functions by virtue of the constitution of the State? These officers were created by the constitution, the organic law of the State. Is it not a violation direct of the constitution, to attempt to take from these occupants their terms of office by a Legislative act? Could the Legislature enact a

law by which it would say that neither the County Judge of Rowan nor any other officer in it, should henceforward exercise the duties of their office. We answer emphatically, no. If the Legislature can not directly legislate the terms of office of the county officers out of existence, can it accomplish the same thing indirectly; that is, by abolishing the county? Again we answer, no. The constitution provides the means by which bad officers shall be gotten rid of, that is by impeachment, but the Legislature has no power, either directly or indirectly, to legislate them out of office. If this can be done in one county, the same can be done in any number of counties, and so the government would be destroyed.

But going beyond the question, that the Legislature has positively no power to do that which some, it seems, would even dare attempt, will those who are bound by all the sacredness of their solemn oaths to do us good and not harm, will they, by one fell blow do the good people more harm than all the mobs in their fury have done them? Will they destroy our prosperity and blight our hopes? Our people are now at peace; prosperity as a tide is setting in; our beautiful valleys are smiling as they wait for the familiar tread of the husbandman and the whistle of the boy at the plow handles; our hills covered with the blueish tints of the spring-time mists, rich in minerals and timber—as we look on them they are dear to us. Our night of lawlessness has passed. Joy is setting in with the morning. In the midst of this will those who should be our benefactors deal us so cruel a destruction as to abolish the county? Will they make the county the very outward extremes of other counties, and thereby a prey to lawlessness indeed? Will they compel 1,200 voters to attend on courts at a distance of from 25 to 37 miles, to say nothing of hundreds of others, including women, who must often drag these weary miles, in weather good or bad, by private and other conveyance, over uncertain roads? What may we expect of Sheriffs, &c., at that distance from us? Surely not much.

Are we worse altogether than others: Pike, Breathitt, Bell, Knott, &c.? But they say Rowan is mean—mean, meaner, meanest—therefore it is proposed to do that for her which finds no precedent in history. Rowan is diseased, they say,—admit it for arguments sake—we thought the practice of this enlightened century was when a man is sick to cure him; but in our case, rather than cure, it is proposed to kill. The State acknowledges its



inability to cure the disease, therefore it will take a club and knock our brains out.

The New York Sun said recently: "If the Legislature abolishes Rowan county, some fool killer ought to come along and abolish the Legislature." The head lines of the papers would be "Rowan Abolished," it would afford nice reading for other States.

We say it with respect, but still we say, that we trust no such a miserable piece of stupidity will be enacted. Let us alone, and if this is done, we make now the prediction that for the next two years there will be as little lawlessness in Rowan as in the majority of the counties of the State at least. Let us alone, and the people here will see to it that the law is enforced. **LET US ALONE!**

#### Our County.

The temper of the legislative mind has been to abolish Rowan county, but a reaction has come, and a chance will be given the good people of the county to work out its redemption. This can be done only through a faithful execution of the laws, and there is no mistaking the fact that another season of violence and crime will settle her existence forever. It is believed that the conservative law abiding elements of the county can correct any existing evils, and secure the just punishment to those who have violated the law. It well becomes those who desire to perpetuate the county, to discharge the duties of citizenship by seeing to it that each officer performs his official duty faithfully, and stand by him in his performance of it, or if he fails or refuses to do, bring him to punishment for his failure. The law is ample to correct all the evils that afflict society if administered and looked to, and secure its administration in Rowan if you would have it perpetuated.

#### THE ROWAN MATTER.

##### The People of the County Protest Against its Abolition.

At a large meeting of the citizens of Rowan county held at the court house in Morehead, Monday, Jan. 16, 1888, J. T. Hazeltigg was called to the chair and A. J. Thurber appointed Secretary. On motion a committee consisting of Jas. E. Clarke, G. W. Saulsberry, Ned Hamilton, D. G. Ham and W. L. Parker, were appointed to draft resolutions expressive of the sense of the meeting, who reported the following:

WHEREAS, We have heard with much concern of the proposition pending before the Legislature of Kentucky to repeal the act establishing the county of Rowan; therefore

Resolved, That we appeal to the Legislature as a body, not to divest us of the rights with which we were invested by the act of Assembly establishing the county.

2. That we appeal to our Senator from this district, and to our Representative in the lower house, to do all in their power to prevent such a result.

3. That it is the sense of this meeting that the repeal of the act establishing this county would be fraught with nothing but mischief to our people, and in this connection, we call the attention of the Legislature to the fact that it is not only in the county of Rowan that a season of lawlessness has prevailed, but in other portions of the State, and for years past up to the present other counties have been equally lawless, and is the repeal of the act establishing the county of Rowan should be thought to be a remedy for such lawlessness, then why does not the same reason apply with equal force and why should not the same remedy be resorted to in all the counties of the State where like lawlessness has prevailed.

4. That it is the earnest desire of the citizens in this mass-meeting assembled that Rowan county should be henceforward as famous for peace and for the preservation of law and order as it has been for riot and disorder, and that we hereby pledge ourselves, our persons and property, that in the future we will, by all means in our power, do all that we can in the interests of peace. That, without regard to past affiliations of any sort, feud or tie, we will uphold and maintain the integrity of the law, and will, in our capacity as citizens, as far as in us lies, enforce and assist in enforcing the law, and therein the good order of society without fear, favor or affection to any class, individual or combination whatever; and that therein we will do equal and exact justice to all men whatever their past record or offenses, so far as we have knowledge of the right and wrong, and in this connection we also call attention to the fact that the great body of the citizens of Rowan county have always been peaceable and law abiding, and that lawlessness has been confined to comparatively a few in number, who, for the time being, set the law at defiance, and further that a great part of the lawlessness is caused by people coming from adjoining counties and not the people of Rowan.

5. As it is said that we are a pauper county we maintain that the charge loses much of its force when it is known that we have sixteen miles of the Newport News and Mississippi Railway, with all its property, which is subject to taxation, and in this connection that within all our borders we now have peace; that two good schools are being maintained and taught in Morehead, the county seat, and that the entire county is on the up-grade. We earnestly but respectfully protest against being unnecessarily compelled to attend other courts on legal business, and thereby deprived of our present vested rights, and herein we simply ask an opportunity to discharge our duties as citizens, and to have our rights maintained intact and as they should be.

6. That a copy of these resolutions be immediately forwarded to our Senator and Representative, and that the MT. STERLING GAZETTE, Highland Blade and Sentinel-Democrat, and such other papers as see fit to publish the same, and that members of the Legislature be furnished a copy.

D. B. Logan has gone to Frankfort to fight abolishing the county. Mr. Logan said to a reporter: "The people of Rowan have sent me here to defeat, if possible, the scheme for abolition. I do not think it the best or the most advisable thing to do. It is not necessary, and it would render the journey to the county seat a matter of great inconvenience. The nearest one practicable would be Owingsville, about twenty miles distant. I think what we do need is some legislation to secure more reliable court work. The efficiency of Judge Cole is destroyed. I do not say that he has done anything wrong, for I am his Master Commissioner; but I do say that he is not in a position to satisfactorily adjudicate matters before his court, and when the committee comes to investigate they will discover this. I should suggest that the better plan would be to transfer the criminal jurisdiction to Judge Rice. This would correct, in a large measure, all existing abuses. The only trouble now to be apprehended is through the trials of cases now on docket, and if this is adequately provided for I think there will be no need of further legislation. In case the criminal jurisdiction cannot be transferred, if provision could be made authorizing the Governor to send a special Judge for the trial of these cases, it would be satisfactory. The people do not object to the proposed investigation; they are rather anxious for it; but they do object to the idea of abolition."



Since the above was put in type, Howard M. Logan, a relative of the murdered boys, and who was forced to leave Morehead some time ago, has written a letter to the Commercial Gazette, in which he charges that the Marshal's posse was composed of Mannin and his brother, Craig Tolliver, Bud Tolliver, J. Tolliver, two other Tollivers whose given names he did not know, George Hogg, Deputy Sheriff, Harry Clark, a son of Z. T. Young and others, and gives the following account of the affair:

"With the pretense of having warrants for these boys issued by Craig Tolliver, now Police Judge of Morehead, they started about one o'clock (daytime), armed with Winchester rifles and shotguns, went to their house, surrounded the place and began the battle by firing 50 to 100 shots through the windows. This part of the programme was simply to announce their arrival. During this part of the dreadful affair the so-called Marshal Mannin received a slight wound in the shoulder. John Logan fired the shot that wounded Mannin.

"Harry Clark, one of the gang, says that after Mannin was shot the firing ceased for a while, and the mob proposed to the Logan boys that if they would come down stairs and surrender they would be protected. The Logan boys, seeing no chance to escape death, accepted the proposition, came down and surrendered, and were marched about 40 yards to the spring and were there shot down like dogs. After they were killed Craig Tolliver, not being satisfied, put his Winchester rifle against the breast of John Logan and shot him through and through. The ball was dug out of the ground by Hiram Pigman.

"After the killing was over the mob returned to Morehead, leaving their victims weltering in their blood. On their arrival at Morehead, which was about dark, Bud Tolliver went to Hiram Pigman, told him what they had done and asked him to go and take care of their victims. Pigman, thinking this might be a ruse to get him away from home in order to take his life under cover of darkness, acted prudently by not going to the scene till next morning, when he found the two boys cold in death, with all the indications of a most brutal murder. If this gang of outlaws had been officers, and out for the purpose of making a legitimate arrest, they would have taken care of the remains of these boys, and not skulked off like the cut-throats they are."

He states that the gang was organized for the sole purpose of killing these boys. We have also heard substantially the same thing from other sources, and it appears now that this killing was a premeditated, cold-blooded and deliberate murder. Will the Commonwealth allow this heinous crime to go unpunished?

The desperate efforts of the Sentinel-Democrat to maintain its position as Taylor Young's defender, in the face of an overwhelming public sentiment, and in opposition to such papers as the Courier Journal and Commercial, to say nothing of innumerable county papers, very clearly shows that the editor of that paper is allowing his friendship for Young to override his judgment.

It may be true that "sometimes a paper is loved for the enemies it makes," and it is possible that the GAZETTE by making enemies of the Rowan county gang and their supporters may add to its already long list of admirers, whose good opinion we much prefer to that of Taylor Young's defenders.

We have never charged Taylor Young with anything that the facts did not bear us out in. We have never charged him with murder, arson, conspiracy or anything of the sort. We charged that Young had violated his oath as a public officer, and had taken a position utterly indefensible and unheard of in the history of the State; had forfeited his right to every honest man's support, and openly insulted the Attorney General, who was discharging a duty he was sent to perform by the Governor. To this specific charge the Sentinel-Democrat makes no reply, except to ask us the question "if we would not have done the same thing if we had been in his place."

We say emphatically no! and we do not believe there is another man in the State, occupying the same position that Young did, who would have done such a thing. There was nothing in Pierce's confession or retraction that connected Young in any way with the Tolliver faction. There was nothing in the whole proceedings to warrant such an unprofessional and ungentlemanly action.

When the Sentinel-Democrat charges that the GAZETTE and Courier Journal are both unfair and malicious, it simply does it to hide its own unfair and malicious conduct. It seems that the editor of the Sentinel-Democrat has a personal interest in the welfare of his unscrupulous friend, while the editor of the GAZETTE does not have the honor(?) of a personal acquaintance with Young or anybody connected with this affair on either side. We are therefore free from any personal prejudice or interest in the matter, and view it only from a standpoint of justice and right.

The Sentinel-Democrat is led by its love for Young to make an unjust and untrue attack on Attorney General Hardin. It would have us to understand "that the title Attorney General does not make a lawyer of a man who is not a lawyer, and that a country cross roads

lawyer becomes no more learned because of such a title." This attack on the representative of the Commonwealth, who could not be bulldozed by the Sentinel-Democrat's immaculate pet, Z. T. Young, shows to what depths of littleness it is disposed to descend. We are almost led to believe that Young has enlarged his territory, and is now dictating the editorials of the Sentinel-Democrat. This is not only unfair but untrue, and coming as it does from a man who has made a failure even as a "country cross roads lawyer" himself, it is hardly possible that the public will attach much weight to it. Our opinion is that he is hardly competent to judge of any man's qualifications as a lawyer. Gen. Hardin is a good lawyer and a gentleman, and if the charge of the Sentinel-Democrat that he is the author of the Courier Journal's editorials is true, he certainly displays unusual ability as a writer. These two statements do not consist, and we would advise our neighbor to compare his editorials before they are published. He is dimming the lustre of that priceless gem which he claims to be in possession of—consistency.

We are challenged to "bring on the indictment against Taylor Young." He already stands indicted by public opinion and condemned by his own action. Let the Sentinel-Democrat vindicate him if it can.

Z. T. Young was in Fleming last week, but he denies that he was there for the purpose of assisting the Sheriff in selecting a jury to try his boys. It may be true that he was not intermeddling with the Sheriff, but what in all the world did he want in Fleming at this time? He will never be able to remove the suspicion that his visit to Fleming was connected with the selection of the jury.—Carlisle Mercury.

The fact that Mr. Taylor Young came into the county while the Sheriff was here summoning a jury to try him and his son, and that the jury was largely selected in the neighborhood where Mr. Young formerly lived, has been the subject of much comment among the people of this county. But we do not want the Rowan racket started among us. It is not our fight.—Fleming County Democrat.



## THE LEGISLATURE.

### Judge Cole to be Investigated.

A resolution was offered last week providing for the appointment of a joint committee from both Houses to investigate the charges of official misconduct against Judge A. E. Cole, of the Rowan Circuit Court. The resolution passed the Senate and consideration of the question was postponed in the House until Tuesday. This is one of the results of the suggestion made in the Governor's message. Judge Cole says he is anxious for an investigation, but as the *Courier-Journal* puts it, he can't help himself. We give below an extract from the special report of Adjutant General Hill on the affairs of Rowan county. After briefly reviewing the troubles there, Gen Hill says:

"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."

Going deeper into the history of the troubles he is finally led to observe:

"Good citizens in 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 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 regard 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 an 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, appears 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."

As a means to be adopted to preserve a peaceful condition of the community the following recommendations are offered:

"As to the means to be adopted to preserve a 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:

"First—A repeal of the act of the 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."

"Second—The transfer of the county to another Judicial district."

"Third—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 provided for."

In view of the fact that serious charges have been made against Z. T. Young by the opposing faction in Rowan county, we think it very bad taste, to say the least of it, for him to take any part in the prosecution of either side. And also considering that he is a public officer, these charges should be investigated along with the rest. He should not only submit to an investigation but demand it, if he is innocent. If he is guilty, of course he does not want his actions investigated. We can say, without fear of contradiction, that at present public opinion in this section is decidedly against him, and we say that in view of all these things he should keep out of this investigation in an official capacity, and walk up like a man, if he is innocent, and have the lights turned on.

cover.

### Z. T. Young at the Bottom of It.

A dispatch from Washington to the *Louisville Times* says: "Mr. Edward F. Madden came in from 'The Rowan County War' last night. He is writing up the campaign for the *New York Times*. He says County Attorney Z. T. Young is at the bottom of the trouble, and could stop it any day. He says Maj. McKee is an excellent officer, but powerless under the orders he has received from the Governor. He thinks McKee should be given full control of affairs, and something satisfactory would be accomplished. As it is, the troops, he says, will remain there until after the September court and cost the State fully \$40,000."

AUGUST 18, 1887.

## MOREHEAD MURDERS.

### Assassination Apparently Made Easy.

A Witness Testifies That John Trumbo Was Hired to Kill Howard Logan for \$100—The Youngs Acquitted.

MOREHEAD, Ky., August 17.—[Special].—Court was occupied all yesterday in securing a jury and trying the cases of Z. T. Young, Allie Young and Green Mannin. Quite an array of legal talent has been secured on both sides, and the cases will be hotly contested.

John Keeton testified that Z. T. and Allie Young offered him \$100 to kill Howard Logan, and that he refused. They then hired John Trumbo to do the deed, and afterward sent the money to Trumbo by him (Keeton). Keeton also stated that Z. T. Young told him that he (Young) had personal assurance from Judge Cole that nothing would be done to the man that killed Howard Logan.

Fearing that Trumbo would back out, Craig Tolliver was sent for to do the deed, but he did not arrive until the night after the attempt on Logan's life. Tolliver berated Trumbo in the presence of Keeton and others for his bad marksmanship, and Trumbo excused himself upon the grounds that the gun he had was too heavily loaded. Keeton also stated that Tolliver insisted on making a raid on the Carey house, to kill Judge Carey, burn his house; finish Howard Logan, burn his house, and make a clean sweep of it, but the others were afraid to back him in it.

In answer to the question upon cross-examination as to whether he [Keeton] had ever been asked to kill any one else, he said "yes," that John Martin (afterward killed) offered to pay him to kill Young and Warren Anderson, but he also refused. He denied having a hand in the killing of Blair. He gave as a reason for exposing the Youngs' connection with the shooting of Logan that the Tolliver party (of which he was a member) murdered his brother, Mose Keeton, last winter.

The case will probably go to the jury to-day. The next case on the docket is that of Hiram M. Pigman and Ap Perry, charged with the killing of Craig Tolliver. Judge Cole has two soldiers stationed at the Court-house door, who search every person thoroughly before allowing them to enter.

Almost the entire day was occupied in speeches by Wallace Maguire and Commonwealth Attorney Salles for the prosecution, and Colonel Wickliffe Kendall and Z. T. Young for the defense. Judge Cole ordered the State Guards to take extra precaution while awaiting the verdict of the jury. In compliance with this order, the guards were doubled, and excitement was thereby kept down.

About 6 o'clock the jury returned to the Court-room, and after answering the roll the foreman handed the clerk the verdict, which read: "We, the jury, find the defendants, Z. T. Young, Allie W. Young and Green Mannin, not guilty of the charge specified in the indictment." The prisoners were then immediately released from custody. The verdict was received without demonstration by the audience which packed the Court-house. Much irrelevant testimony was admitted in the case, and the verdict goes to show that what has all along been predicted is absolutely true.

WICKED WATERSIDES



## AT MOREHEAD.

Everything Quiet and the Jury Hard at Work.

What Passed Between Young and Logan Before Judge Cole.

Notwithstanding that trouble has been expected at Morehead, nothing of importance has occurred except the tilt between Taylor Young and D. B. Logan in the Court room, the following account of which is given by a correspondent: "During the examination of a witness as to the complicity of grand jurymen, Boone Logan was asspersed by Z. T. Young in a very harsh and vindictive manner. Logan too up the question wholly and in answer to Young's remarks that his (young Logan's) character needed investigation, replied, 'As for you, sir, I have undoubted proofs of your actions for the last ten years that would hang you'. At this bold speech pistols were drawn by friends of both sides, and many an ominous click was heard resounding through the crowded Court-house, and as they clicked they brought cold chills over many. The ring of the soldier boys' rifles was heard all along the wooden walls of the flimsy building, and a quick order to load was heard from the outside. This noise awoke the inmates of the Court-room to their danger, and they at once realized that the first move on their part would result in a fierce fire from the guards. At this point the excitement ran high, and many blanched cheeks could be seen all over the room. Boone Logan, however, was calm and collected. He never flinched, nor did he move a muscle, but reiterated his statement boldly and clearly. This increased the storm and many started for the door, only to be met by the bayonets of the guards. For a few moments the utmost consternation prevailed, but the presence of the troops had the effect of quieting the uproar, and allaying fears of the cowardly. Many threats were uttered on the outside against Boone Logan, and numerous predictions made that he would be killed before the day was over, but he paid no attention to them whatever." Mr. Young was at home Sunday and we understand he says the above account is considerably overdrawn.

The grand jury is hard at work investigating the murders and a large number of indictments will probably be returned. The following is a list of the grand jurors: Ben Culver, foreman; William Kegley, J. W. Johnson, Jas. Thompson, John Pilfrey, J. W. Amburgy, John Hall, A. J. McKenzie, Jr., Archie White, Eph Harnes, Nathan Riddle, Fleming Jones, R. W. Goodan, J. W. Coldron and Foster Swim.

The reported killing of one man and wounding of others by a masked mob while on their way to Court as witnesses proves to be without the slightest foundation.

Services were held in the church at Morehead Sunday, for the first time in several months.

One of the soldier boys was sent home Sunday night very sick with the flux, and several others are similarly afflicted.

Special to The Gazette.]

MOREHEAD, August 9, 1887. — Up to noon to-day all is quiet. The grand jury has reported nine indictments for pistol carrying and other minor offenses. The town and county are seemingly at peace, but about the sleeping quarters of the various parties are pistols, shotguns and rifles in abundance. It is the general opinion that quiet will continue as long as the soldiers are present, but when they leave heinous crimes and blood-thirsty feuds are expected to be renewed. The soldiers are healthy and in good spirits. The Court is moving quietly along. Next Saturday is the last day of the regular Court. Judge Cole will extend the term until all the cases are tried, even if it should run to the 1st of September.

The Democrats claim that a tight vote was polled and give this as one of the reasons for Buckner's small majority. We do not know how it was in other counties, but in Montgomery the vote was as large, we believe, with one exception, as was ever cast in the county, and Buckner's majority was only 27.

We are in for another four years of Democratic mismanagement and extravagance, but it shall not disturb our conscience a bit. We didn't help to do

### PIERCE'S PERFDY.

An Actor in the Rowan County Drama Gives the Plot Away.

Several days since Ed. Pierce, one of the Martin faction in the recent Rowan county troubles, was arrested at Greenup and taken to Owingsville on the charge of robbing a man in that county last year. While at Owingsville he sent for Z. T. Young and made a confession, giving the Martin faction away. After this was done, notice was received at Owingsville that a mob from Rowan was preparing to come after Pierce, whether to hang him or release him was not known. He was accordingly brought to this city Saturday for safe keeping. A GAZETTE reporter visited him at the jail Monday evening, and interviewed him on the subject of his confession. He first gave us to understand that he won the money which he was accused of stealing, and would be able to prove it at the trial. He then gave the following history of the part he took in the Rowan war:

When John Martin was murdered on the train his brother, Dave Martin, went to his (Pierce's) home in Greenup county, on three different occasions to get him to assist in the capture of John Martin's murderers, whom they professed to know. After considerable persuasion, and a promise of pay for his time, he went with Martin to old man Martin's house, in Rowan county, where they found ten or twelve armed men, among them Stewart Bumgartner and Ben. Raborn. It was proposed that they all go to Morehead, where the Tollivers were, and arrest them. Sheriff Humphrey came out the following night, and the crowd started to Morehead with the avowed purpose of shooting the Tolliver crowd wherever found, as they had concluded that the latter were too numerous to attempt to arrest. After going part of the way they backed out, and he and several others started home. He returned to Greenup, and in a few days received a letter from Sue Martin to come back and assist them to get rid of the Tolliver faction, and intimated that he would be well paid for his work. He at last yielded and returned to Rowan. The Martin crowd then decided that they couldn't do anything with the outlaws (as they termed the Tolliver faction) and concluded to shoot them from the bushes. The day Taylor Young was shot, Stewart Bumgartner came to old man Martin's and told them that Young was going to Hogtown that day, and later on Humphrey came out and reported the same thing and said it would be a good time to kill Young. It was then arranged for Pierce and Raborn to waylay Young and shoot him on his return to Morehead. Humphrey promising them \$50 for killing Young, and \$25 each to kill Jeff Bowling, Craig Tolliver, John Day and others. Pierce and Raborn guarded the road leading from Hogtown to Morehead, the former armed with a shot-gun and the latter with a Winchester rifle. When Young came up he was riding in a gallop, and Raborn insisted on getting down close to the road, remarking that that was the way he used to do in the Underwood war. Pierce kept him back, however, for fear of being detected. It was snowing hard, and as Young got opposite to them, Raborn took deliberate aim and fired, and ran down in the road and fired a second shot. Young spurred his horse and rode rapidly on. Pierce says he did not want to kill Young, although he had agreed to do it, and refused to fire, giving as his excuse to Raborn that the distance was too great and he could not hit him. He says the snow in Raborn's face was all that saved



Young. He and Raborn then returned to Martin's house and were paid \$15 by Humphrey for the work they had done. He and Raborn then returned so Greenup again, and after Bumgartner's death Humphrey came after him, and promised him a Winchester rifle if he would go with him, the rifle being at Judge Carey's hotel in Morehead.

He and Raborn and one Fultz then agreed to go with him, but the two latter got frightened and turned back. He went on to Morehead with Humphrey, and at the Carey House they found a crowd of armed men, a part of the Martin faction. On the next day, the first of April, he and Humphrey went into a saloon, where they found Bowling and others playing pool. In a few minutes John Day came in, and the Tolliver crowd then drew their pistols and ordered him to leave Morehead. He went to the Carey House and got Humphrey and started to arrest the other crowd. Humphrey fired his pistol in the air, and then the Tolliver crowd opened fire on them, and the fight became general. In this fight no one was hurt. On the same night the Tolliver crowd visited the Carey House and riddled it with bullets.

When the document of peace was signed, it was the understanding that if they ceased hostilities, the civil authorities would not molest them for the crimes they had already committed. He says a dispatch to this effect was sent to Humphrey by Gov. Knott, and he (Pierce) saw the dispatch. After this he returned to Greenup and was there when arrested. After his arrest, Craig Tolliver, Allie Young and another man whom he did not know came after him, claiming to have a warrant charging him with the attempt to shoot Taylor Young, but the Sheriff refused to turn him over to them. He says he would not have turned traitor, had not Sue Martin refused to furnish him money to get him out of trouble. Humphrey visited him in jail at Owingsville, and promised to bail him out but failed to do so, and he then resolved to blow on the whole gang. He says in all the councils held by the Martin crowd, they seemed to regard Taylor Young as the leading spirit on the Tolliver side, and it was their principal object to kill him, claiming that with Young out of the way peace would be restored. He says that Young will certainly be killed if he remains in Rowan county.

Pierce is 22 years old, and has the appearance of a man who is an utter stranger to fear. About three

years ago he shot Larry Spence in Greenup with a shot-gun, but Spence recovered. He says he never shot anybody else in his life, and the grand jury failed to indict him for this, as it was proved that he shot Spence in self defense. He tells a pretty straight story, but there are plenty of people who will not credit it.

#### THE ROWAN LAW MILL

##### Is Grinding Slowly, With no Definite Results.

The trial of the parties charged with the murder of Rayborn and the burning of the Martin property commenced last Thursday, and is still in progress. Z. T. Young withdrew from the prosecution, and Gen. Hardin is being assisted by W. W. McGuire, of Morgan. The Defendants are represented by K. F. Pritchard, of Catlettsburg, Judge C. W. Goodpaster, of Owingsville, and Allie Young. Miss Sue Martin was the first witness for the Commonwealth, and she told a straight-forward story, substantially the same as published in these columns two weeks since, and all efforts to break the force of her testimony proved unavailing. A correspondent writes, "The testimony of Sue Martin was corroborated by her mother and sister, who also told a most pitiful story of the burning of their house and the killing of Rayborn. Mr. Tussy was introduced for the Commonwealth Saturday evening, but owing to the delicate condition of her health, the cross-examination was continued until Monday afternoon, when court adjourned until Tuesday morning. Mrs. Tussy told very much the same story as the other three witnesses. The defendants rely for their defense on the fact that they were summoned by an officer, who had a warrant for the arrest of Humphrey and Rayborn, but that can be no excuse, whatever, for burning the houses. I understand they expect to try to impeach the Martin women, but they are of good character and intelligence, and can not be impeached. The Martin faction may have done wrong in some instances, but the way these women have been treated cannot but create a sympathy for them. They had their home burned down, and to add misery to a desolated home, they were dragged to jail without any cause, whatever. Indications are that the trial will be a long and tedious one.

"Clark Johnson, who was introduced yesterday morning, testified as follows: 'I am Coroner of this county. Robert Messer came to my house about 4 o'clock on the evening of the killing and placed a warrant in my hands for the arrest of Humphrey. He told me of the trouble at Martin's house. We started back to Martin's and were fired on from the bushes. There were about 15 shots fired from both sides of the road. I turned back and Messer went on.'

"These pretended officers had no warrant for Rayborn, and the one they had for Humphrey, legally speaking, was no warrant at all. The general belief is that the shooting at the Coroner was done by the Tolliver faction in order to make an impression in their favor."

#### CARUTH'S COMPROMISE

##### Is Playing the Devil in Rowan Again—The Martin Faction About Wiped Out.

On Tuesday of last week another tragedy occurred in Rowan county, three miles from Morehead, when two more of the Martin faction bit the dust. On that day warrants were issued—we have been unable to learn by whom—for the arrest of W. H. W. and Jackson Logan, sons of Dr. Henry Logan, who is now in the Lexington jail charged with conspiring to kill Judge Cole and others. The warrants charged the Logan boys with ku-kluxing, and were placed in the hands of John Mannin, Marshal of Morehead, who in company with Deputy Sheriff Hogg and a posse, composed we presume of the enemies of the Martin faction, proceeded to make the arrest. Arriving at the home of the Logans, they refused to come out and surrender, and when Mannin attempted to enter the house, he received a charge buck shot in the left shoulder, inflicting a very dangerous wound. His crowd then threatened to burn the building, and the Logan boys made a break for liberty, and were riddled with bullets by the posse attempting to make the arrest.

It is said that Mannin is a new comer at Morehead, and has not figured in the factional fight there. We have been unable to learn who composed the Marshal's posse, and as all reports from Morehead come from one side, as the other is about exterminated, it is next to impossible to get the truth of any of the difficulties there. In this connection we print the following dispatch sent from Lexington to the Louisville Commercial last Friday:

"Later particulars from the Rowan county tragedy indicate that Craig Tolliver was with the posse, which numbered ten or more.

"A Commercial reporter visited Dr. Logan, father of the dead men, in the jail yesterday afternoon. The poor old man is nearly crazed with grief. He thinks the whole thing is a scheme on the part of Craig Tolliver to get his boys out of the way. He said William was only 24, and was studying for the ministry, while John has just passed his 18th birthday. He said William had been quite ill for the past six weeks.

"The two poor fellows were buried at the old Logan burying ground, about five miles north of Morehead. The killing of those two men about wipes out all that is left of the Martin faction."

We were told a few weeks ago that "law and order now reigned supreme in Morehead," but we fail to see it in that light. Now that all the parties that composed or were in sympathy with the Martin faction have either been killed or forced to leave Rowan county, we expect to get at the true inwardness of all the troubles in that county. It is an old and true saying that "when thieves fall out honest men get their dues," and while we do not pretend to say that the Martin faction did not have some bad men in it, we are satisfied that the most of the crimes

have been committed by the other side, and they will soon fall out among themselves and begin the work of exterminating each other, "a consummation devoutly to be wished." Then the whole damnable business will be exposed, and we believe revelations will be made that will place the blame where it properly belongs.



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### Feudin', Fightin', and Fornicatin'

Morehead, Kentucky, today is a genteel mountain college town, a cultural oasis in a grim desert of harsh, and forbidding highlands. The bluegrass comes all the way up from Lexington and Mt. Sterling, and ends abruptly against the ragged foothills. Lexington by four-lane Highway 64 is a bit over an hour away, if you're a fast gas feeder. Louisville is about three hours distant if you take it easy. Thirty miles off to the west is the beautiful bluegrass outpost of Flemingsburg. Just about straight north is Vanceburg, and a trifle to the right some 60 miles is Jesse Stuart land, which he has celebrated in his Plum Grove ballads. In summer the land is blue and the hills are dark and the skies come down to the summits of the mountains, and all the valleys even up to the lost and lonely headwaters of Licking River are sweet and rich with crops and cabins and dirty mountaineers and white churches and remembrances of old years when this was the heart of moonshining land and Murder Holler. In winter the rains and snows bank high in the valleys and it's a desolate world.

Before the turn of the century, Craig Tolliver usurped the throne in the little soiled mountain town — it had some 400 inhabitants then — and together with brothers and cousins Jay and Bud and Andy Tolliver he erected himself a booze kingdom with his seat down on Railroad Street in the coal and lumber village, appointing the destiny of his prov-

ince from two hotels across the railroad from the Chesapeake & Ohio tracks, the American House, which was a combination bootlegging joint and whore house, and the Gault House, just across from the depot, which was a long two-story fairly respectable hostelry, entertaining drummers who did not require lady bedfellows to sell shoes, pills, clothing, and whisky. The American House accommodated the mountaineers drifting down from the hills and hollers, and the riffraff from the coal mines and lumber camps, and the copper-bellied gentry who could tote the moonshine liquor sold in the back halls and outdoor privy.

Craig Tolliver, at the peak of his career, was a semi-giant of a man, half way between sandy and blond, broad shouldered and heavy muscled. It was said he was handsome and had a way with women. He was said, too, to be utterly fearless. He toted two six shooters and Winchesters were not far from his hand at either of the hotels. He had a wife and two children, who lived out from Morehead some three or four miles in a pretty valley just off the Mt. Olive road — now Highway 62. Mrs. Craig seems to have been a rather pretty woman who kept away from her husband's enterprises. Craig had quarters at both his hotels but mostly he stuck around the American House.

Tolliver never heard of gangsters, but he had a well-organized gang, the nucleus of which was his





Childhood home of Craig Tolliver, eastern Kentucky mountains. Etching by the author from a very old tintype (date unknown).

kin; but he kept gunmen handy, and he had a chain of moonshining stills up Christie Creek, Licking River crags and coves, and deeper still in Elliott and Floyd Counties. The fruit of these manufacturies was pack-saddled and jolt-wagoned down to Morehead, and distributed to the local trade, and bootlegged up and down the C&O railroad, into the coal mines, the sawmills, and even towns like Mt. Sterling, Lexington, Louisville, and north to Ashland and Portsmouth, Ohio, and across to Huntington, West Virginia. It was a close-knit network, and Craig Tolliver was the brains. He was also the banker. He was, moreover, the King, Prime Minister and High Priest of Morehead. When he spat, it bounced. When he shot, somebody got hurt. Yet, we are told, he was soft-spoken and in his family a kind husband and indulgent father.

How he got like this can be attributed by the psychologists to an unhappy childhood. I think, actually, he got that way because he was a mean son of a bitch. But legend has it he was a bastard, and it is said to have rankled in his proud heart. Just why he would worry about a small detail like that

I would not know. It's fairly well recorded that back in the deep deep mountains when he was a boy he saw his father murdered in cold blood by being waylaid along a road. This may not have been his real father; it probably was his father-in-name-only. The dark and dastardly deed was supposed to have scarred Craig's sensitive soul.

We open our chronicle on an August election day in Morehead, with Craig standing in front of his saloon on Main Street, one street up parallel to Railroad Street, now Highway 60 through town. While angling across the street in the courthouse yard the booted and bearded mountain men were wangling for the best bid for their votes for the Republican candidate for sheriff, Cook Humphrey, a well turned young man of twenty-five, and Sam Goodan, the Democratic candidate, a lob-bellied forty-year-old roughneck who smelled of Craig Tolliver's liquor and burley chewing tobacco. It may be said in passing that Tolliver's Palace Saloon was a legitimate licensed whisky house, selling bulk whiskies from the Bardstown and Louisville distilleries, and bottled goods from the better brands.

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Craig liked to work both sides of the tracks.

Tolliver strolled over and joined Goodan. "How's tricks?"

"Goddam 'em, your dollars ain't buying votes no more," Goodan complained. "I keep telling 'em Cook Humphrey lives out in the sticks and me, I'm down on Railroad Street, but it don't faze 'em. They ast two dollars."

Tolliver veiledly studied Daniel Boone Logan, a twenty-eight-year-old lawyer, who was talking to Cook and arguing with a voter on the courthouse steps. "It's that feller. He's making trouble."

Logan's with the 'clean government' boys," Goodan sneered.

"We're going to have to tend to that feller yet."

"Yah," Goodan nodded.

The mountain men, mostly drunk, stood or reeled about, their Winchester rifles and six guns clanking. At that moment along the dusty street two young girls passed hurriedly. They were Sue and Annie Martin, and were headed out of town by the north road for their home about a mile north on Christie Creek. Sue was a pumpkin haired lovely with narrow hips and lean flanks, and breasts like halved cantelopes. Annie, the older, was somewhat plain. Looking neither to the right nor left, they walked faster once past the courthouse yard. Craig Tolliver's eyes followed the younger girl. He'd been watching her some time. He wanted her for himself, but he also wanted her as one of his ladies of the evening at the American House. She'd be worth \$5 a raffle between the sheets for the choice drummers.

It was a fight that took his mind off the girls. Two men, William Trumbo and Nat Price, both drunk, started cursing each other. Trumbo shouted, "You're a damn liar, Cook Humphrey ain't no rum runner." Price cursed him right back. "You're another goddam liar and stick that up your bunghole." They stood toe to toe and started slugging, while the crowd moved in gleefully drooling whisky and tobacco spit. Mountain men were not apt to just watch a fight. Soon they were taking sides. The fight spread. Men began knocking each other down, throwing rocks and sticks and bricks. Next they started shooting. Humphrey and Logan darted back of trees. Bullets, more or less wild, whistled around their heads and broke windows of the courthouse. Saddle horses and mule teams hitched at the water trough broke loose and galloped off, dragging

vehicles and saddles. Men who had no taste for messing up with the fracas took to their heels. Craig Tolliver, however, walked calmly into the howling, yelling, cursing melee. A poor innocent bystander, a hill farmer by the name of Solomon Bradley, didn't get away fast enough. A bullet took him in the head and he groveled in the dirt. Fortunately the wound was not fatal, but he howled as if he were dying. The fight came to a sudden stop as an argument broke out as to who was the one firing the shot.

John Martin, son of a Dr. Martin, one of the law-abiding faction, came out with blood streaming from his face. "It was Floyd Tolliver and John Day," he told Boone Logan and Cook Humphrey.

Craig Tolliver's men were not going to ignore that insult and they piled on John Martin and probably would have finished killing him if Logan and Humphrey hadn't rescued him and sent him home for his father to patch up.

It was coming on to sundown and the hogs had to be slopped back on the cove farms and the cows milked and the mules stalled. The town gradually emptied. At dark the polls closed. Men counted the votes with Winchesters at hand. Cook Humphrey was declared winner by a majority of 12. Sam Goodan went with Craig down to the American House for solace and vowing revenge. A lot of Craig Tolliver's silver dollars had crossed palms and Sam had lost.

That night there was much galloping up and down the streets, with the firing of rifles and revolvers. The winners were in high glee; the losers were drunk and sore. By some curious acoustical quirk in the valley where the town is, a Chesapeake & Ohio coal train, highballing through, lifted a roar of echoes. The clamor multiplied into a thunder, the racket bandied back and forth between the sides of the mountains upon which the town rises out of the valley. The law-and-order townsfolk drew their blinds, snuffed the oil lamps, and prayed something would be done by the new sheriff to put down Craig Tolliver's hellishness and stop the illegal sale of whisky. There was such an element in Morehead, but they kept their mouths shut. Still, a college for teachers was being projected and the lawless atmosphere was no background for book learning. About the only lights showing were down on Railroad Street in what were popularly known as Craig Tolliver's booze joints and whore houses.





The American House at Morehead, Kentucky, was one of the hotels operated by Craig Tolliver and his gang.

Sociologists have sought to explain mountain feeling by saying it was isolation. A proud people must take the law in their own hands. Yet Morehead was not truly isolated. It was on the main stem of the C&O from Louisville to Washington, D.C. The bluegrass crept up almost to one of the side doors. In any direction by what were then good trains culture was within 150 miles. Maybe there was pride. Killing people seems a poor way of showing it — at this remove. Actually there was a mixture of motives. The Civil War was less than a score of years back. Mountain men had fought on both sides. They found the bloody battlefields to their taste. Many were bitter. They cherished

their bitterness. Still farther back in the past was the record of Indian fighting, and tales were still told around the big stone fireplaces of nights about the scalplings, the dawn attacks, the raping of women and girls. The ambush was an accepted method of dealing with your enemy. Then there was the primitive delight in killing a man to see him squirm.

Craig Tolliver — men like him — craved power. A bottle of whisky and a .44 help mightily in getting power. Yet men said Craig was a mild and quiet man until stirred up, and at home a good provider.

Affairs rocked along in Morehead for some time without anything more than rumblings against the election of Cook Humphreys.

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John Martin. The coal mines were busy and a large sawmill blasted the echoes in the valley. Anybody who wanted an honest job could get it, Boone Logan said. Most men preferred the primrose path in moonshining and bootlegging. Between planting and harvesting even the sturdy yeoman farmers were not averse to turning their corn into mash and prime white mule. Oddly enough there was a standard about their cookings: Tolliver was fond of the reputation he had established for huckstering a good product.

In spite of the fact that John Martin's cuts and bruises healed fast enough, down inside he seethed. He told Boone Logan, "I swear I was standing as close as me to you when John Day and Floyd Tolliver shot old Bradley."

Logan cautioned, "Keep your mouth shut till the time's ripe to talk."

Floyd Tolliver, from the Palace Saloon, gave forth the word. "John Martin done it himself, the lying son of a bitch."

Men in the guise of friends to both parties took pleasure in toting these bones from one saloon to another. This long-distance repartee was a built-in situation for a killing, needing only the proper timing and a gutful of booze. On the night of December 2, on one of the side streets, Martin and Floyd met in Judge Carey's saloon — it was said there was a saloon for each 50 inhabitants in Morehead. Tolliver started the argument.

"John, you been bulldozing me long enough. I'm goddam well fed up with your threats and accusations." He was well in his cups, and spoiling for a fight.

Martin tried to placate him. "I want no trouble with you, Floyd."

"Trouble sure as hell is what you're going to get." Tolliver reached for his sixgun.

Martin may or may not have been prepared for it. But he was armed — all men went armed — and he beat Floyd to the draw and shot him dead there in the bar. Martin then reported to Sheriff Sam Goodan, still in office, and gave himself up. Goodan and his deputy Tom Day lodged Martin in jail just back of the courthouse. Daniel Boone Logan went that night to see his friend in the jailhouse. "The Tollivers are banding together to break the jail and hang you, John. I'm sorry as hell about this whole thing, but it's time somebody plugged some Tollivers. You can't stay here. I'm fixing to take you to the Clark

County jail at Winchester. We'll catch the first train." Winchester was 50 miles away toward Louisville. Logan arranged a guard for the prisoner and John's wife went along to be near her husband.

On the night of December 9, three men appeared at the Winchester jail with papers for Jailor Jim Ecton to deliver John Martin to them. Ecton didn't like the looks of the requisition, but it was properly signed by the magistrates that had held the preliminary hearing of murder, and seemed in order.

John Martin pleaded, "Don't give me up, jailer. It's a dirty Tolliver trick. Craig Tolliver owns the Law in Morehead. Those magistrates would kiss his ass if he told them to."

But there wasn't time before the train up to Morehead to get confirmation, nor for John Martin to get in touch with Boone Logan. He protested bitterly but the handcuffs were put on him and he was hustled down to the depot. John recognized one of the men as a Tolliver henchman by the name of Mace Keeton. Keeton was a bootlegger working out of the American House. Martin's wife, weeping and wringing her hands, followed with her husband. She was heavy with child and frightened out of her wits. When the train arrived, Martin was put in one coach and his wife told roughly to sit in another.

The train was more than an hour reaching Farmers, a village seven miles west of Morehead. Martin was chained to his seat while his captors passed a bottle back and forth. At Farmers a hooded mob boarded the cars, covered the conductor and flagman and with their guns, drove the other passengers from the car where John Martin was trapped, and forming a half ring filled him with slugs. They then got off into the night, and someone counted ten or a dozen. The train resumed its way. Mrs. Martin rushed in to find her husband hunched down in a pool of blood. Strangely enough the man did not die instantly, but lived six hours after being taken to the home of Dr. Martin two miles out of Morehead. Before he died he told his wife, "Craig Tolliver's at the bottom of this."

Though John Martin had put his finger on the chief rascal, Craig Tolliver was not an actual member of the mob. Boone Logan and Cook Humphrey sleuthed down the fact that Tolliver had remained hidden in the darkness while his men did the job.

Humphrey was not yet sworn into office, and there was nothing the lawyer could do.

For the rest of the winter there were mutterings

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growlings from both camps. On March 7, an incident occurred. Z. T. Young, like Logan, a young lawyer in town. Their offices were in whitewashed buildings across from the courthouse. Young avoided open connection with the river gang, as Logan avoided identification directly with the Martins and law-and-order. Young thought pretty well of, however, and was said to be a man of "great ability and superior to the average man." How much of this reputation was based on his ability to toss off a pint of whisky without catching his breath is not difficult to establish even at this remove. The Martin crowd marked him. On an early spring day when there was a light snowfall back in the hills, Young was riding along when a fusillade of bullets whistled about him. One of them took him in the shoulder, severely wounding him; and probably what saved his life was the misty snow air and the uncertain aim of the killers who were fortified for their job with a jug of Old Prentiss. After a man detained in jail at Flemingsburg confessed he was one of the ambushers though he had done no shooting. They had a contract to kill Young, Jeff and Allen Bowling, and six others, for \$50 a killing.

Both Boone Logan and Cook Humphrey devalued this kind of business. But it went on just the same. There followed killings back and forth of more obscure men whose names are not even preserved on stones in mountain graveyards.

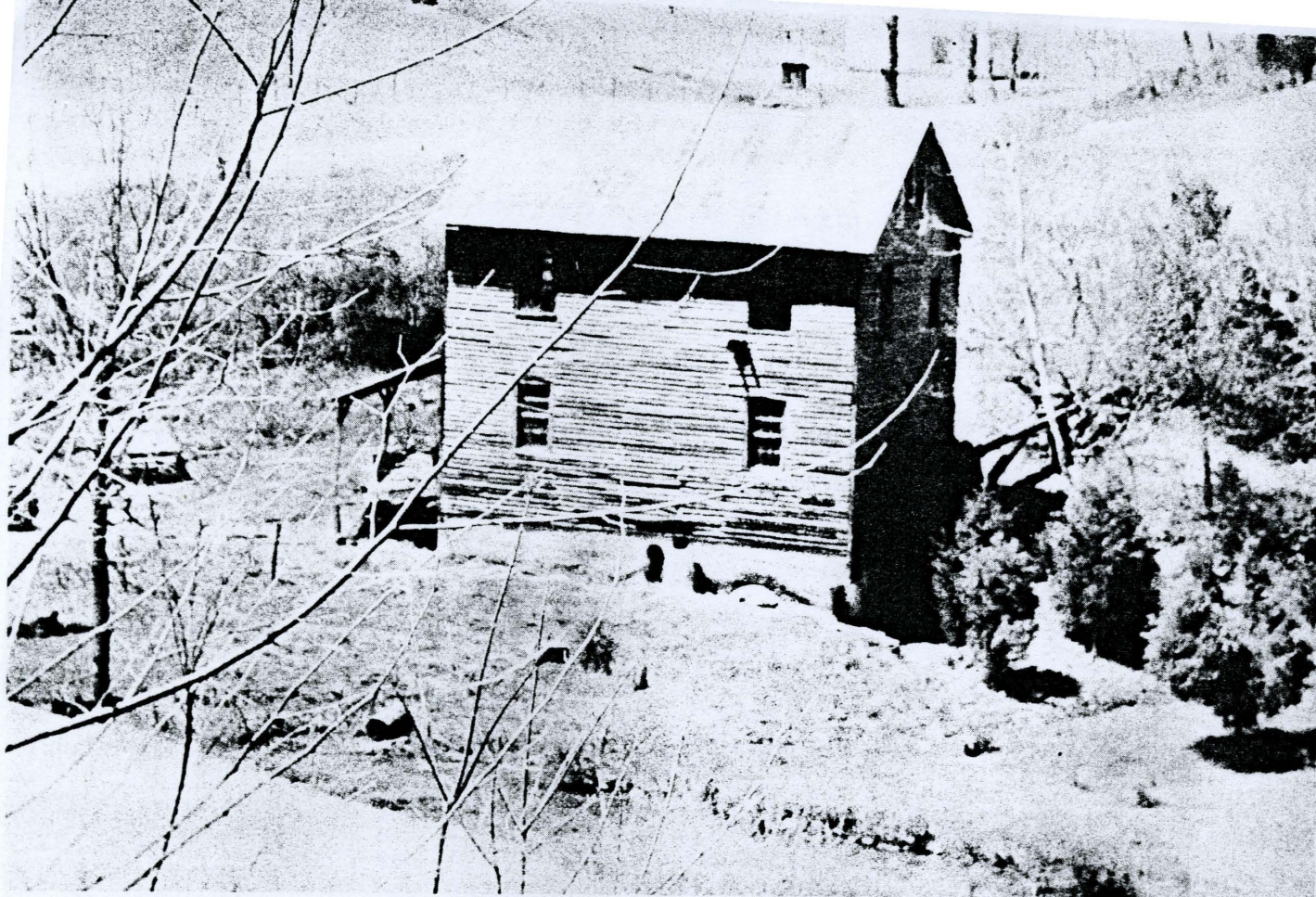
All this while the better class of citizens were plotting to put an end to Craig Tolliver, for the normal school was starting to build up the hill back of the courthouse, on what is now the campus of Morehead State College. Besides, they were fed up by the whole regime. And there was the element of smoldering revenge. Bumgardner, Sheriff Humphrey's deputy, was killed one night on a back street, behind the Palace Saloon, and everybody knew the Tollivers did it. Humphrey finally sleuthed down the strong suspicion that Jeff Bowling had killed his deputy. He swore in another deputy, a man named Sam Pierce, and went with him down to the Central Hotel — the place was lousy with saloons and hotels — to serve a warrant on Bowling. Bowling was ready. He drew his gun and said, "Get the hell out of here!" The Law got the hell out. Sheriff and deputy went to the Cottage Hotel to consult together over a bottle of Old Crow. But Bowling and Day had consulted freely over a jug of Craig's best Deep

Cove corn, and they looked to their shooting irons and took off after Humphrey and the deputy, who, seeing the enemy approaching, slipped out of a side door in the direction of the Gault House. Bowling and Day were on their heels and the shooting started. When Cook Humphrey and his man turned on them with hot ammo, Bowling and Day, after emptying their guns, ran for the door of the Gault House bar for fresh ammunition. Humphrey and his man moved in and shot the door down. With a first class battle shaping up, the clans sent runner for reinforcements. Humphrey paused long enough at Western Union in the depot to wire for state troops, and the outnumbered Martins retreated out of town. For something like a day, that was the situation. Boone Logan importuned the governor to send a peace commission, and John C. Castleman headed this band with olive leaves, and in the back of the Palace Saloon the faction leaders, Craig Tolliver for the gang, Boone Logan for the law-and-order people, over a bottle of Old Grand Dad worked out a cooling off period. Actually neither side was ready for a showdown fight. But Humphrey kept trailing Craig for killing Baumgardner.

In the truce, Tolliver got himself elected town marshal of Morehead. Without the law himself, he consorted with the Law when it served him. About this time, too, he enticed the juicy wench Sue Martin to the American House on pretext of showing her some pretty slippers a Louisville salesman had left in passing. The girl might have had better sense than to accept this invitation, but maybe she was starved for nice clothes as most mountain girls were. Once in his den of iniquity Craig Tolliver started to work on the girl with his big long hands. She tried to ward him off without a scream, but when he got into her blouse and corset cover, she began to struggle and scream. Sue hadn't plowed a mountain field of corn with a blind mule, hoed potatoes in a garden, toted pumpkins from the mountainside, and picked peas between the corn rows for nothing. She was wiry and tough as a young squirrel and as mean a fighter as the rest of the Martins. She bit Tolliver's hand till the blood squirted, reached for a whisky bottle and cracked him over his blond head with it, and while he reeled back, surprised and dazed, she ran yelling out of the door and up the street, to wind up in the protecting arms of Boone Logan.

Craig Tolliver's first official act as marshal was





Old watermill in eastern Kentucky mountains used by Craig Tolliver and his moonshiners to grind grain for whisky.

to straddle his nag and ride out the Mt. Olive road, turn up Elliottsville road to the Martin home on the creek, and call out Buck Martin, father of Sue and Annie, and his three boys.

"Don't let sundown tomorrow night catch any of you in Rowan County," he warned and returned to town.

The next day Martin and his boys got ready to depart for Kansas. His women folks wept, but all agreed it was the better part of valor, and after this trouble blew over they could come home again. They rode away that afternoon.

Cook Humphrey had a taste for mountain cooking, for nicely stacked females like Sue, and now the men folks were gone, he came out often to comfort the women. As often as not he could be pre-

vailed on to spend the night. Mrs. Martin had a way of saying, "The children look on Cook like he was a big brother." Sue probably had a different way of looking at the handsome sheriff.

Nobody was at the Martins now but the old woman, the two young girls, a married daughter of the name of Mrs. Tusser and her small child. The house was double, of logs and planks, a story-and-a-half with two comfortable bedrooms under the roof. The place was old. Cedars grew at the edge of the yard where the farm road came in between house and gravelly creek. A log hay-and-stock barn stood a hundred yards away, and there was a ford across the creek for vehicles and a swinging bridge for foot traffic. In back, running from the house place to the foot of the mountain, was a 40-acre field of



ong level land, planted mostly in corn. With the  
d of a yearling neighbor boy, the Martin women  
ut in a crop.

Cook Humphrey was aware that Tolliver had it  
n for him, and one night he and a deputy named  
Ben Rayborn went to spend the night at the Martin  
house, though Cook had heard the town marshal  
had a warrant in his pocket for the sheriff's arrest  
for some trumped up charge. Later Mrs. Martin  
testified what went on that night.

"Craig Tolliver and his gang came to my house  
early Sunday morning after Cook and Ben. Cook  
was knowing that Craig was after him, and after  
dark that evening he slipped back to town and got  
his Winchester. The Tollivers knowed a man was  
with Cook, but didn't know it was Ben till they  
killed him. They hid in the bushes around the house  
and in the woods back of the field. I could see their  
heads in the bush next to the creek. I knew some  
but not all of them." She and Cook Humphrey  
identified Mark Keeton, Jeff Bowling, Tom Allen  
Day, Boone and John Day, Mitch and Jim Ashley,  
and Bob Messer. Craig cupped his hands and called,  
"Cook, come out of thar, I got warrants for you."  
His voice was thick with whisky breath.

Cook Humphrey called back from a crack in the  
roof-room logs, "Warrants for what?"

"Ambushing Z. T. Young and others."

"Show your warrants."

"We'll show 'em when you come out of thar."

There was drunken laughter.

They got bolder, began moving closer in on the  
house, and even crept into the yard, keeping well  
behind the trees. Humphrey had his Winchester and  
a shotgun but no ammunition to spare. He might  
have killed a couple Tollivers, but they would have  
then rushed the house and all would have been over.  
Cook muttered, "If only I could get word to Boone  
Logan at Morehead." Boone would help raise the  
siege.

Sue was at his elbow. "I'll go. I'll find Boone."

"God no, you'll stay out of this!" Cook said  
sternly.

The Tollivers opened fire, shooting into every  
window and riddling the door to the dogtrot. A  
determined push would just about have wound the  
thing up. She said agonizingly to her mother, "I  
got to go for help."

Humphrey himself was desperate. There were  
around 40 guns out there, mostly .44's, for Tolliver

liked to tote his shooting irons at his hip. There  
was a small earth cellar under the kitchen floor for  
storing fruit and vegetables, and a trap door let into  
a patch of weeds outside. Sue thought she could  
escape that way and make a dash along the creek.  
Cook reluctantly yielded. The girl started to change  
to a pair of her brother's overalls, but her mother  
stopped her in horror.

"They'll take you for a man and shoot you down  
like a dog."

This hasty conference took place at the head of  
the narrow stairs up from the dogtrot. The bullets  
were snarling through holes in the door. Tolliver  
seemed to sense that something was being hatched.  
Anyway, he was the bravest man in the world. His  
natural recklessness was fortified with Dutch cour-  
age. He must have felt equal to breaking in and  
making the arrest single-handed. He certainly knew  
two armed and desperate men were holed up in  
there, and he had no reason not to suppose the old  
woman, and Sue, would back the men up. He knew  
that Sue was reputed a good shot. She surely would  
remember the pass he made at her at the American  
House. It all seemed to add up to a man looking  
well to his ammunition before making a frontal  
attack; but figuring the mountain desperado psy-  
chology is a tough proposition. Howbeit he plunged  
in, Winchester at point.

Cook had handed Sue the shotgun, while he used  
his Winchester. Rayburn crouched low with his  
revolver. When Craig Tolliver burst in through  
the shattered door, in the dim light, Cook fired and  
in his nervousness missed. Tolliver was half up the  
stairs at a leap of his powerful catlike body, when  
the report of the rifle filled the narrow stairway  
with roaring echoes. Instinctively Craig Tolliver  
threw up his gun stock to shield his face, just as  
Sue let him have it almost pointblank with the shot-  
gun. All that saved Craig Tolliver's life was the  
rifle stock. The wood broke the load of buckshot  
and scattered the lead, but part of his face was  
blasted off and he fell back to the bottom of the  
stairs, blood blinding him. Nobody ever knew what  
his thoughts were, if he had any — whether this  
was his last fight on earth this side Paradise. Tolli-  
vers were just outside the door and the racket made  
them dare dart in and haul their wounded captain  
to the cover of the yard bushes. Craig wasn't dead.  
He let out a flood of profanity.

The brief lull gave Sue her chance to escape



through the potato cellar. She gained the yard, only to collide with Craig Tolliver, bloody as a stuck hog. He was trying to mount his mule to go to Morehead for a doctor. But he took time to draw his .44 and fire at the running girl, only to miss. She crouched along the line of bushes at the creek bank, hiding when she heard men hunting her, running when she felt safe. Some of the Tollivers kept hunting her, while others guarded the house. They shouted their threats, but nobody had the guts to stick his head in the door. "Come out of thar or we'll burn you out."

Sue couldn't make her escape good without exposing herself, and so she stayed hidden till afternoon. By then the patience of the besiegers was frayed. While they edged up around the house, Sue made a run for the cornfield. Rayburn must have been watching her from one of the roofrooms. He came out of the back of the house and ran anglingly toward the barn, but an explosion of gunfire knocked him down between the barn and a strip of pasture. Tom Allen Day, ambushed in the barn, would have shot him but for old lady Martin who covered him, getting near enough to Day to knock his gun down.

At last it seemed to Cook Humphrey his final chance. He held his Winchester ready and dashed. The gun stalled off the Tollivers — and Cook's reputation for good marksmanship. They fired at his racing figure, and only a miracle saved him. He took refuge in the bushes, and readied to kill any man coming within range. The Tollivers instead went out and robbed Rayburn's body of his watch, wallet, and a ring.

Sue reached the big road in all this confusion and kept going breathlessly. But she took cover once more at the bloody sight of Craig Tolliver on his mule, for he evidently had not been up to going to town right after the shooting. The man rode on, slumped in the saddle, and Sue wished to God she had killed him.

Tollivers remained around the house, finally chased the women and one child out, and put the torch to the logs and planks. Humphrey could do nothing single-handed and took a roundabout way back to Morehead. Sue reached the courthouse, where she hoped to find Boone Logan. But instead, Jeff Bowling had reached town. He arrested her and clapped her in jail. It was said that he tried to rape her in the cell, but she toted a frog-sticker of a knife

and drew this on him, draining him of his passion. Bowling would have been equal to the deed if he had not been a coward. Later, in the following August, he went to Ohio, got into a row with his father-in-law, and killed him. Ohio law looked on murder differently from down in the moonshining hollers of Kentucky. Bowling was soon afterward hanged.

Meanwhile the house went up in flames, the heavy chestnut logs burning long with much snapping; and with the coming on of night a hard rain set in. All the women could do was huddle under the trees, guarded by the sullen Tollivers, though Annie slipped away to Morehead under cover of darkness, frightened to death about Sue, whom she found in jail. Bowling clapped her in too. Craig came around to see the prisoners, his face heavily bandaged. Unfortunately he was not dead.

Morehead now was in the clutches of the bravest man in Kentucky, head of the closest whisky ring known even in a state where booze was commonplace.

Daniel Boone Logan watched all this without being able to help. He thought of raising a posse and delivering the town from the ring. But at that time Morehead suffered from a complication of ailments. Many citizens shrugged; what the hell, a few of the better element realized, a show of force at this time would be their own destruction. Rowan County courts were in the hands of Craig Tolliver. But Logan did manage to get Governor Knott to ship in 150 guardsmen under Major Lewis McKee, and when the troops showed up on the train the Martin girls were freed; but little came of arrests of the Days and Craig Tolliver, for they were released by the magistrates from lack of evidence.

Still, under pressure, Craig Tolliver agreed to leave Rowan County, if Cook Humphrey would, and for a time it appeared as if the feud might be closed. There was no question that if Craig Tolliver had stayed in town the Martins would have killed him; and it was equally certain the Tollivers would have killed Cook. For four months Tolliver kept the parole, and then he returned. Cook Humphrey did not come back. The office of police judge was vacant, and Tolliver announced for the post. "I'm a peaceable citizen now," he said, "and the people ought to encourage me by electing me." He began his canvas with six-shooters and Winchester, and all other candidates withdrew.



Boone Logan came from a case in Lexington on election day and asked, "Who's running?" The answer was, "Craig Tolliver." Boone said contemptuously, "I'll vote for the next hound dog that pisses against that tree yon." A hound came along, sniffed, licked a leg, and trotted on. Boone Logan went in and voted for Gus Holbrook's hound dog, the only one of the 40 not for Tolliver.

At long last Craig Tolliver had the Martin family under his power, and he was a long hater. He could have killed Boone Logan any time. The Logans were members of the Martin family. Instead he focused his hatred on Boone's father, Dr. Logan. Dr. Logan lived out of town about two miles on the Flemingsburg road, on a good farm in the valley of the north fork of Licking River. Two sons were farming with him, and a consumptive son studying for the ministry lived at home. All the Logans, and the Martins, had been outspoken about Tolliver and his gang. They may have conspired when the chance came to clean the rascals out. In any case Craig Tolliver made a case against the doctor and his boys for kukluxing and carrying weapons, and on a day with Marshall Manning and 12 other deputies he rode out the dusty road to serve warrants on the four men.

When they came within range of the house, Jack, the preacher, fired on the party from an upstairs window, knocking Manning out of the saddle. Tolliver and his henchmen pushed in. The troubled father persuaded his boys to suffer arrest under Craig's promise that the law would take its course and no bodily harm would be done them. The officers led the prisoners a short distance along the farm road out to the big road, halted them, and shot them dead in their tracks, mutilating the bodies. The Logan boys were buried in the family plot back of the house, and at the shocking news a brooding gloom settled in Morehead. The boys were all fine men and one of them had a wife and young family, and somehow this just was the straw that broke the back of cowardice in the law-and-order folk.

Dr. Logan saw all this happen from his front gallery, and it might well have been him too. Craig Tolliver had accused Dr. Logan of conspiring to kill Judge Cole, a Tolliver man, and Boone Logan had managed to get his father removed to jail in Lexington for safe keeping.

Thus far 17 men had died in these killings, and

two score toted wounds. Many had skipped the country. Now it was Boone's turn. Tolliver sent him word, "Get the hell gone or you'll be buzzard meat." Boone grieved deeply for his slain brothers, but this threat infuriated him. He was fed up with Craig Tolliver's bullying. He told his father one night, "I'm going, but to see Governor Knott." He caught the train for Frankfort.

He had an audience the following morning with Governor Knott and Lieutenant Governor Hindman. Knott shook his head. "Logan, I'm sorry. I have no official power to extend relief to the citizens of Morehead. The State has done all it can."

Hindman said, "Logan, did you know that a private citizen can arrest a man if a warrant is issued charging the man with a felony?"

Whether this clothed Logan with the authority to handle Craig Tolliver legally hardly mattered, for Tolliver was the man who would issue the warrant. Judge Cole's court would not help. That night Boone Logan got off the train and walked along the darkened street deep in thought. He turned in at the merchandise place of a man of the name of Hiram Pigman. Pigman had had trouble with Tolliver. In the back of the store the men talked till dawn. Logan and Pigman were of the same mind. Legal or no, vigilantes must be organized and armed. Nothing short of a fight to the death was going to break the grip of the Tollivers. There was, of course, Sheriff Hogg, who had taken Cook Humphrey's place after Cook left the country. Logan shook his head.

"Hogg's hand in glove with Craig Tolliver and his gang."

"Feeling's mighty high about the killing of your brothers," Pigman said. "Hogg's going to stand for re-election. The next time a Winchester is not apt to elect him."

Boone Logan got in touch with Hogg that day. They had a long talk. "Folks are fed up with Craig Tolliver. Join us and you'll be in on the pay off."

"Not me," Hogg said. "I never yet knowed Craig Tolliver to be at the ass end of the pay off."

"Haven't you got guts enough to be on the right side for once?"

Hogg finally agreed to serve a warrant, though it was against his judgment. Nobody ever knew where Logan got the papers. He may have forged the warrant. Meanwhile he worked the town, organizing the people; they held a meeting in the Masonic

From The Collection Of.

Dr. Jack D. Ellis

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Hall. He rode into the country and talked before audiences in schoolhouses and churches. A magistrate issued warrants against Craig Tolliver, Jay, Bud, Andy and Cal Tolliver, Burke and Jim Manning, John Rogers, Bill, Tom and Boone Day, Sam Goodan the former sheriff, and Hiram Cooper. The charge was murder, arson, bootlegging, selling illegal whisky, and running a house of ill repute. Craig Tolliver's spies reported to him, but Craig shrugged it off contemptuously.

A shipment of coffins from a hardware firm in Cincinnati to Pigman's store actually comprised Winchesters, revolvers, and ammunition. Pigman used his credit to the last notch buying this hardware.

The vigilante movement spread like wildfire. As many as 113 men who had suffered loss of kin and friends and various personal insults were recruited into the organization. They met, drilled, formulated plans. Sheriff Hogg at last was impressed, even if Craig Tolliver insisted he could handle any bunch of regulators sent against him, and agreed to serve the warrants on Wednesday, June 22. Hogg was to command the regulators, for Logan wanted the action to have the cloak of legality, though he directed all the movements. Armed to the teeth, the men were formed into four squads and stationed so that the town was surrounded. The dawn train brought in a final contingent, and these men deployed behind the saw mill, around the lumber stacks, and back of a plank and tin warehouse next to the tracks not far from the American House. Tolliver and a score of his confederates were holed up in the American House.

"They can't bluff me, goddam 'em," Craig Tolliver was later reported to have said. To secure his own legal position he had already given out that certain people were kukluxing against him, and he would defend himself as he saw fit. He'd been drinking heavily of late, indicating perhaps that he was a trifle more apprehensive than his bold words would indicate.

The American House was the arsenal. Craig wore two heavy revolvers and a belt of cartridges. His companions were armed with six-shooters and Winchesters. The upstairs windows of the hotel, which had seen many an orgy of drummers and little mountain chippies, were blinded except for holes for gunfire. The frame building was higher than most places on Railroad Street, even the brick

bank a few doors away. Perhaps Craig felt sure he could repel any attack mounted against him. They must have waited tense enough that June morning, for the only sound was the roar and rumble of C&O coal trains thundering through the town. All the stores and the sawmill were closed, and the streets were empty save a few bold customers in the open saloons. Boone Logan's plans had been kept secret, so all idlers could do was speculate.

Logan gave his men a final admonition. "Leave off your hats, so we'll know not to shoot each other. This is going to be a hard scrap, boys."

One wonders why Craig Tolliver did not remark more closely the furtive movement of men in weeds back of houses, between the lumber stacks, and crawling on their bellies through patches of cabbages and beans. Hogg did not get a chance to serve his papers. A member of the posse by the name of Will Bryon, armed with a Winchester agreed to sneak out and across the street to bring Tolliver's fire. Craig's men started shooting. Byron took to his heels along the railroad tracks. Craig and his fellows came out of the American House after him, firing as they went.

It was so obviously a trap that the wonder was Craig Tolliver fell for it. Worse yet, he was mostly a pistol man, and the vigilantes who suddenly rose from bushes, gardens, lumber stacks, and behind outdoor privies, toted rifles. If they had been good shots, Logan's men would have killed the whole outfit in the next 30 seconds. Their aim was blurred by excitement and alcohol, and the only man they hit was Bud Tolliver, who got a bullet in his knee. Bud crawled through a loose paling into a garden and took cover under a row of pole beans. The posse swarmed after the rest of the Tollivers, who raced for the Central Hotel, a dozen doors down the street, where there was a fresh supply of ammunition and reinforcements. Logan's men promptly surrounded the hotel, known to be another of Craig Tolliver's bootlegging joints, and began pumping lead into all the doors and windows. Tolliver had left men behind him at the American House, and these fellows no doubt saw how the battle was shaping and sneaked out the back way and escaped.

About a dozen were holed up in the Central Hotel. It took one look for Craig to see his besiegers were all bareheaded. A man's head without a hat in the mountains is a species of nudity. Craig well knew the next move would be the torch. It's



ter to die with a bullet in you than be fried in a conflagration. Especially as some ten barrels of moonshine whisky in the basement would go up in the flame and cremate a man in his own brewings. Now the firing was a steady drone, and men estimated that more than a thousand rounds were shot to the hotel alone. Craig and his boys had nothing left but to make a dash for it, a desperate enough chance. They threw away their hats and darted out of the back door, stooping low and reaching the nearest cover, the side of an adjoining livery stable. Logan saw them but their hatless heads confused him into thinking they might be friends. The vigilantes withheld their fire.

Jay Tolliver, Craig on his heels, gained the Gault House, but before they could get in the firing grew so hot that Jay turned into a line of bushes on a rise of the ground and was shot down before he could reach cover. Craig zigzagged across the street toward the railroad, but this side of the tracks a bullet in his leg made him stagger. He scrambled up and ran across the tracks to a switchstand. At least 15 men were closing in and shooting; again he was knocked down, but he tried valiantly to rise and keep retreating. Then he realized he was done in. With his dying energy he pulled off his boots, for he had once vowed he would never die with his boots on. Two rifle bullets knocked his brains out.

Little Cal proved the gamest one of the bunch, for he stood out in the open firing his .44 like a veteran. He was Craig's nephew and small for his age. When his uncle went down, the boy ran to his body and removed his watch and wallet. Boone Logan knew the boy, and no doubt spared him; the Martins were not killing children. Nevertheless Cal got a bullet in the seat of his pants, and the wound was painful as he crawled under a nearby house and hid while the mopping up went on.

The fire of the Central Hotel and adjoining livery stable was the biggest blaze Morehead ever knew. The barrels of moonshine began to explode and spewed blue flame in all directions. Logan's men kept hunting down the wounded. They showed no quarter. They found Jay in a weed patch and three men shot him. They located the wounded Bud Tolliver behind a store and blew out his brains. Andy Tolliver did manage to get away but soon died from his wounds. Hiram Cooper hid in a wardrobe in Z. T. Young's room in the American House, and Logan's men dragged him screaming into the

middle of the room and killed him. If Young had been around they would have got him too. But Young, as prosecuting Attorney for Rowan County, was conveniently away on business in Mt. Sterling, 35 miles distant, and missed the party.

After two hours of terrific shooting the battle eased off. Boone Logan led his army to the courthouse and made a speech. If anybody was arrested for this day's work, the posse "would punish to the death any man who offers molestation."

An interesting sidelight was that one of the smoke begrimed posse was a hatless Martin with pumpkin colored hair.

The bodies of Craig, Jay and Bud Tolliver were toted to the C&O waiting room and the fearless population of Morehead now came and peered down at the distorted and blood-caked corpses. In the afternoon the remains were hauled in a jolt wagon out to Craig Tolliver's house. Craig's wife wired to Lexington for two coffins six feet four inches long, and two six feet six inches long, and matching dark suits. The next chore was kin folks coming in and washing the dead. What her thoughts were one cannot help wondering. Maybe there was a clue to her mental processes in the inscription laid on Craig's casket, "Rest in Peace."

Lord knows, the man needed it. He'd raised hell in Morehead more than four years and had engineered the killing of more than a score of men.

When Andy Tolliver died soon afterward, the bodies were buried June 24, at Elliotsville, seven miles up the cove. Few attended the funeral and there was no preacher. Morehead heaved a sigh of relief when the four wagons creaked out the dusty road.

Boone Logan and his fellows now took over. Boone declared law and order would prevail. He insisted he had acted under the authority and sanction of Governor Knott. There was a last flare up, strictly legal. Z. T. Young indicted 14 of the posse for murder. The case was tried before a jury of "high class and intelligent men" at Flemingsburg in the adjoining county, and without leaving the box the jury acquitted the accused. Boone Logan was never indicted or tried. But he did not stay long after that in Morehead. Bitterness still smoldered around Morehead. Logan removed to Pineville, Kentucky, where he practiced law for many years and was known as a fine legal man.

Soon after the funerals the young folks had the



first social and dance and ice cream supper in four years. Sue Martin was the belle of the ball. The old wives snickered behind their hands, whispering, "She's six months gone with Cook Humphrey's youngun. I knowed no good would come of that boy being out thar all the time." But Sue danced

with her wild pumpkin hair flying. Laws, what did she care what the old witches said? Cook was coming home next month and they would be married with her belly sticking out like she'd swallowed a pumpkin seed.

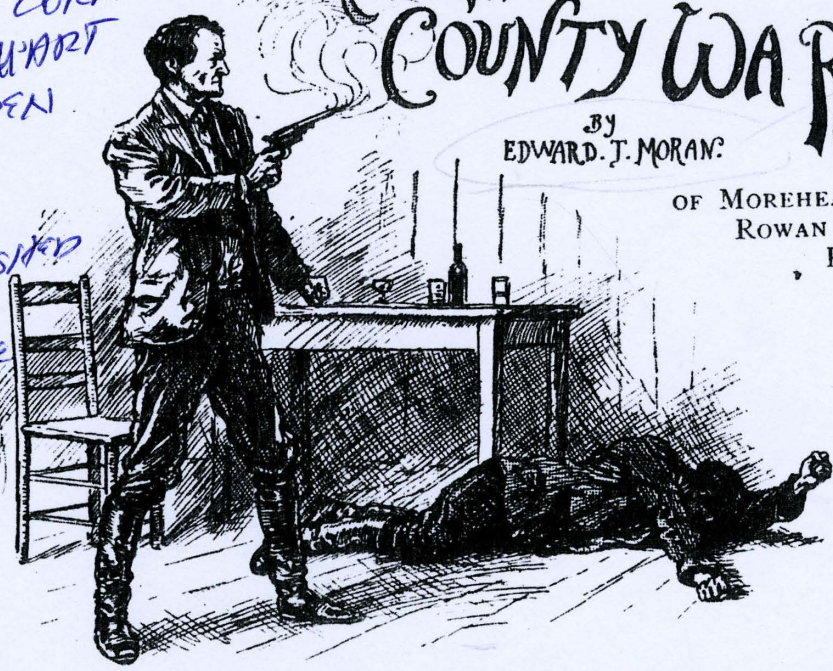
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# THE ROWAN COUNTY WAR

By  
EDWARD T. MORAN

OF MOREHEAD,  
ROWAN COUNTY,  
KENTUCKY.



THIS ARTICLE WAS  
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## THE INNER HISTORY OF A FAMOUS KENTUCKY FEUD.

This impressive narrative throws a lurid light on the conditions which prevail, even at the present day, in Kentucky. This account of the terrible Nemesis which overtook the seven conspirators, striking them down one by one on the very anniversary of their victim's death, will come as a revelation even to many Kentuckians who are conversant with the general details of the famous "Rowan County War."



KENTUCKY feuds have long been celebrated in song and story,\* but no feud has ever been so expensive to the State, so demoralizing to the people, and so disastrous to life and property as the terrible "Rowan County War," which had its beginning and its end in the little town of Morehead. Blood flowed almost as freely as water, and both the county and State officials were powerless to prevent the great loss of life. Many are the thrilling narratives that have been written concerning this feud, but the greatest tragedy of the conflict, and doubtless the most mysterious ever enacted on Kentucky soil, has for years been locked securely in the bosom of the writer. All the participants having now gone to their rest, however, and secrecy being no longer necessary, I have decided to give it to the public in all its strange and terrible detail.

On the 10th day of August, 1882, the county election was held in Rowan County. At Morehead, the county seat, were gathered some of the most desperate men in the district. Excitement ran high, for everybody realized that the election meant more than the triumph of one section over the other and a division of party spoils, but that to the winning party it would mean great loss of life. While the more law-abiding citizens were discussing the best means of averting trouble a pistol-shot rang out, and answering ones promptly resounded through the air, proclaiming to the anxious throng who had collected to discuss measures of peace and compromise that their plans were thwarted and that the threatened trouble had actually begun. Police-officers hurried to the spot, where they found two men lying dead and one wounded. All were of the Republican party—two prominent partisans, while the other was an innocent bystander, who had committed no offence save to cast his vote for the party of his choice

~~scribble~~



While the excitement over the shooting was at its height the result of the election was announced, giving victory to the Democratic party. This infuriated the Republican leaders still more. They were certain that their murdered men had been the victims of partisan feeling, and they clamoured for the detection and punishment of the guilty parties.

The entire county was soon in a commotion. The women and children trembled with fear and apprehension, while the men-folk collected in crowds in every place throughout the county and discussed the result of the election, the crime, and the possible apprehension of the murderer. Suspicion pointed to Floyd Tolliver, an hotel proprietor in the town of Farmers, eight miles from the county seat, but this suspicion was based solely upon his well-known party prejudices and the fact that he was close to the scene of the murder when the officers arrived. He was a man of prepossessing appearance, tall and well-built, and of a jovial temperament. It seemed preposterous to his friends to think that he was capable of such a crime.

For months nothing happened, and one day in the February following Floyd Tolliver went to Morehead to purchase supplies for his hostelry. It being the regular county court day many citizens were there, some to attend to their claims and business and others for pleasure. Conspicuous among the latter class was John Martin, a champion of the Republican party and a well-known bully and desperado of Eastern Kentucky. Meeting Tolliver in the street that day about noon he greeted him pleasantly and invited



JOHN MARTIN, THE MAN WHO SHOT FLOYD TOLLIVER. [Photo.]

him to step across to the saloon at the opposite corner and join him in a social glass. Though there had been some bitter feeling between them, Tolliver, being a good-natured man, forgot all past differences and accepted the invitation, with no thought of impending danger. While drinking and talking together the shooting incident was mentioned, and a hot dispute ensued, whereupon Martin, true to a premeditated plan, shot Tolliver dead. The muffled sound of the pistol reached the officers at the court-house, and they were on the spot almost before the smoke had cleared away. Martin was discovered standing in the middle of the floor with his pistol in his hand, complacently marking on it the notch which chronicled

his ninth victim. The officers secured the doors and windows, and, seeing that escape was impossible, Martin surrendered without resistance. He was hurried to the county gaol a few yards distant, and in less than half an hour a strong guard had been placed around the building by a Republican marshal—ostensibly for the purpose of preventing the prisoner's escape, but believed by the Democrats to be for his protection against mob violence. Next day Martin was hastened to Winchester, a "bluegrass" town beyond the border of the feudal section. None too soon was this precaution taken, however, for in a dark and lonely ravine, known as "Gloomy Hollow," two miles from the town, were gathered twenty men who had determined to break into the gaol and kill the murderer of their friend Tolliver.

Although temporarily baffled, these self-consti-



MR. FLOYD TOLLIVER.  
From a Photo. by C. H. Bryan, Mt. Sterling, Ky



tuted avengers were not beaten, and their leader—one Shephard—arranged another meeting in the Hollow for the following Thursday. Mean-

ruin and untimely death to each of the participants. Shephard's plan was as follows: An order was to be forged, purporting to be from



From a]

"GLOOMY HOLLOW," WHERE THE AVENGERS OF FLOYD TOLLIVER MET.

[Photo.

while Martin, in the custody of the sheriff, and accompanied by a devoted and sorrowful wife, was speeding away toward the peaceful town of Winchester. His friends now busied themselves with schemes for his escape. They met, and plotted how they might secure his freedom. The other faction, however, were occupied with a plot, intricate and dreadful, for the immediate execution of the guilty man.

The crowd of avengers met, as arranged, on the Thursday night. All were dismissed save seven of the shrewdest and most trusty, the others being conciliated by the assurance that they would be called together again when the plot was complete. Plans were then submitted and discussed, but none found universal favour until Shephard unfolded his scheme. It was a simple idea and one easily executed, but was ultimately to bring

the county judge to the gaoler at Winchester, ordering him to deliver up Martin to the bearer of the order. Shephard—who was then marshal of the town of Farmers—would present

this order and take the prisoner. Once in his custody Martin would never escape. The other six conspirators were to board the train at Farmers and "hold up" the train while the others shot Martin.

Shephard duly presented himself at the Winchester Gaol on the Saturday night following and delivered the forged order to the gaoler, who had no suspicion of the real state of affairs. Shephard waited for his prisoner at the entrance. Not a word of greeting was exchanged between them, and after parting from the gaoler Shephard, accompanied by the prisoner, walked rapidly to the railway depôt, reaching it just as the east-



JOHN SHEPHARD, WHO PRESENTED THE FORGED ORDER  
From a] FOR MARTIN'S REMOVAL. [Photo.



and train came puffing in. They boarded the train and were whirled away through the "blue-grass" country. Darkness enveloped everything, and an occasional twinkling light in a distant farm-house was the only thing to be seen. Shephard was taciturn, and seemed moped in gloomy meditation; he was apparently very careless of his prisoner, but in fact his eye never once wandered from him. When they reached the town of Mount Sterling, some twenty miles from Farmers, he rose with a nonchalant air, and with a voice of studied carelessness said, "Come, Martin, let us go into the smoker and take a puff." It was at the hour of eleven that Shephard and his prisoner entered the smoking-car and seated themselves, Shephard placing himself on the side next the aisle.

and alarmed me, for I was aware of the great excitement that prevailed. Accordingly, as a measure of precaution, I jumped behind the stump of a gigantic tree to await the passing of the horsemen. As they drew near they slackened their speed and finally stopped and dismounted within 100 ft. of me. I was almost paralyzed with fear, thinking that my presence would be discovered, but I soon found that they had only stopped to review some plan. I recognised each voice, and in a few moments was made acquainted with all the details of the terrible deed to be committed that night. They discussed the location of Shephard and his prisoner in the car. There were six of them, and I gathered that three would "hold up" the engineer while the others would locate the prisoner, shoot the lights out, and then attack him.



"MARTIN DROPPED MORTALLY WOUNDED."

Just at this hour I was hastening from my home in Farmers to the bedside of a dying friend. In order to reach the place quickly I took an old deserted road, and when hurrying along about a mile from the village I had just felt sounds of galloping horses' feet arrested me

Shephard was to dodge beneath the seat to avoid injury to himself. After repeated instructions and careful cautions they remounted, and, hearing the whistle of the train in the distance, put spurs to their horses and galloped on.

I was rooted to the spot with horror. There

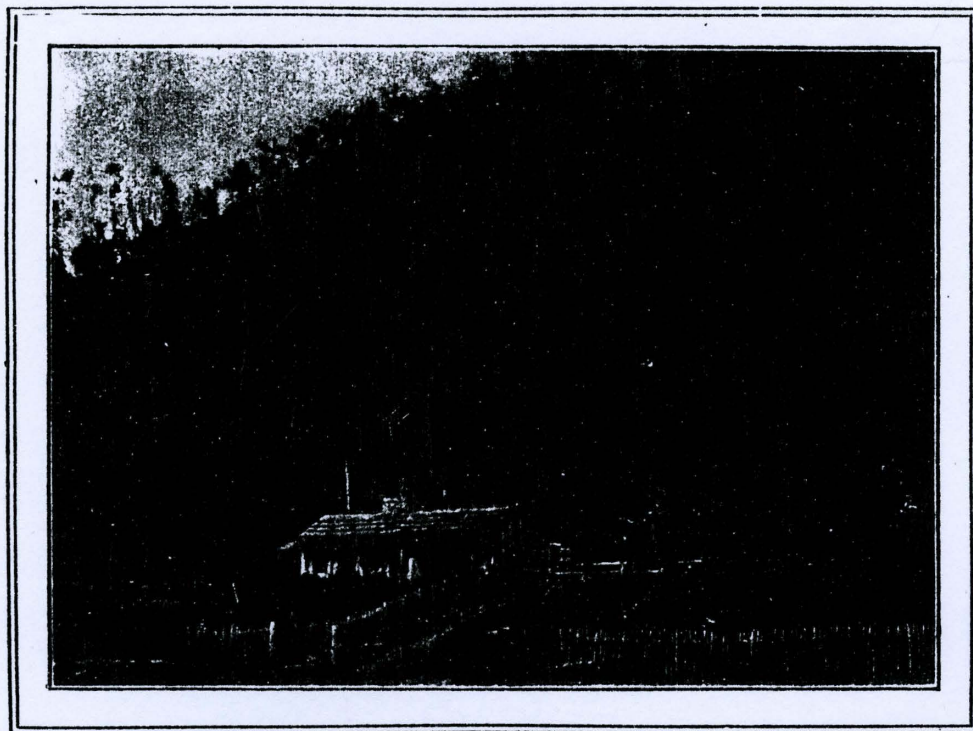


was no time to save Martin from his fate, for the train was almost due. I saw that I was powerless to do anything, and, too frightened to think coherently, I hurried on as fast as my trembling limbs would carry me to the bedside of my friend. No minister being present, I prayed with him and soothed him in his dying hours. I was in a state of great agitation and dread, and spent a night of indescribable horror.

Next morning the country rang with the news of John Martin's death: how six masked men had held up the train at Farmers; how three appeared in the doorway of the smoking-car, and, extinguishing the lights as if by magic, fired with one accord at the manacled man. Their aim was excellent—Martin dropped mortally wounded. Meanwhile the frightened

but their plans could avail him nothing now. The bearer of evil tidings broke the news as best he could. Grief and consternation were depicted on every countenance, and with one accord Martin's supporters hurried to the inn, to find the dying man breathing his last. He was able to utter but one word—"Revenge"; but these wild children of the feud country understood, and swore vengeance in his dying ears.

Martin was buried two days later. But what of his murderers? There was not the slightest clue to their identity. I dared not reveal my knowledge of the crime, for it only meant certain death to me and more bloodshed in the county. Besides, how could I substantiate my story against seven men's denial? So the crime and



THE OLD MARTIN HOMESTEAD—JOHN MARTIN LIES BURIED IN THE ENCLOSURE TO THE RIGHT.  
*From a Photo.*

occupants of the carriage scrambled wildly for the door. Others from the next carriage rushed up, and a scene of wild confusion ensued. The lamps were again lighted, but there was no trace of the masked men; they had disappeared as suddenly and as silently as they came. The terrified passengers assisted in trying to minister to Martin, who was still living, and when the train reached Morehead he was carried to the nearest inn and a messenger dispatched to carry the sad tidings to his father and mother. The messenger found a band of desperate men assembled at the Martins' house planning the release of their leader on the morrow,

its perpetrators have always remained a mystery. Thereafter terrible tragedies followed each other in quick succession, and, although I noted them all with increasing horror, my lips perforce remained sealed.

I will now proceed to set forth the strange fate which befell the seven conspirators.

Julian Welch, a man of unusual brilliancy of mind and nobility of character, a much-respected citizen of Farmers, had been persuaded to join the guilty seven through a misrepresentation of their purpose. They convinced him that the killing of Martin was the only way of ending hostilities without many years of bloodshed and



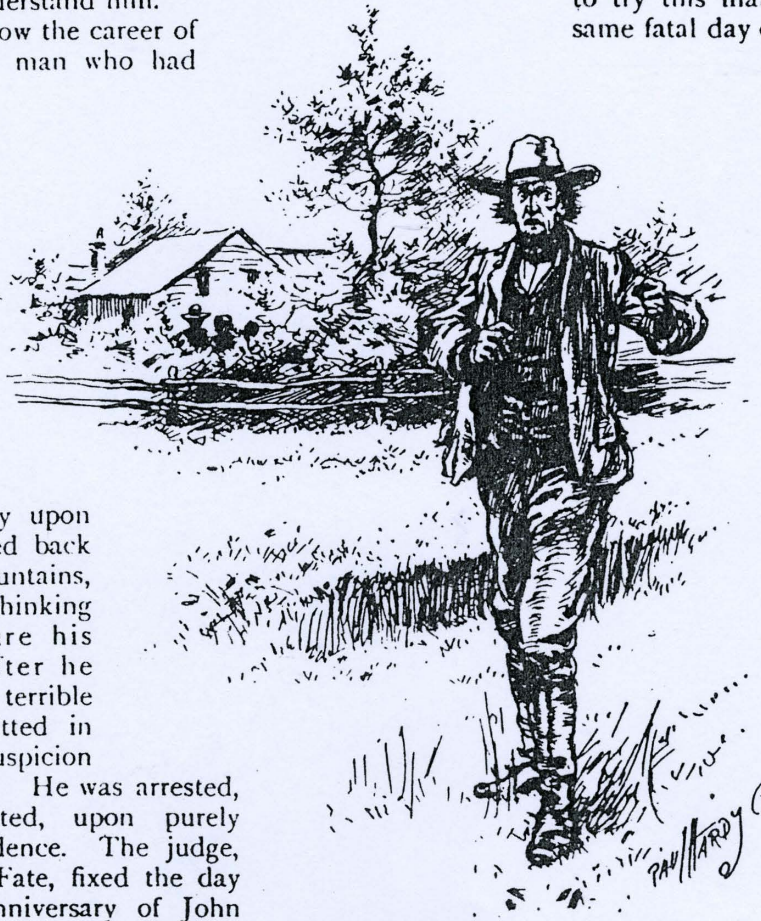
strife. He was drawn into the plot believing the act to be one of patriotism and of justice. He forged the fatal order, and a short time afterwards realized that he was a murderer, guilty of a dastardly crime. Being a man of tender conscience, he brooded until life became unbearable, and finally sought to drown his remorse in head-long dissipation. He finally came to an untimely end on the first anniversary of the night when he aided and abetted in the murder of John Martin. He died raving in delirium, beseeching the watchers again and again to "burn the order; burn the order." They, of course, did not understand him.

We will now follow the career of William Colton, a man who had served for year as one of the county's best officials. He continued to live in Morehead for some months after the Martin tragedy, and quietly pursued his avocation, which was the practice of law. But the fear of discovery lay heavy upon him, and he moved back farther into the mountains, to Martinsburg, thinking thereby to ensure his safety. Soon after he settled there a terrible crime was committed in the locality, and suspicion pointed to Colton. He was arrested, tried, and convicted, upon purely circumstantial evidence. The judge, as if inspired by Fate, fixed the day of the second anniversary of John Martin's death as the date of his execution! The convicted man was duly hung on the appointed day, although loudly protesting his innocence to the last moment. Three weeks later the real murderer, being no longer able to bear the weight of a guilty conscience, confessed to the murder and thus declared Colton's innocence. But it was too late! William Colton had gone to answer for his share in the tragedy at Farmers.

Some months later it was whispered that one of Morehead's most prominent citizens had become mentally unbalanced. For days he would walk and talk incessantly, and when unable to secure a companion in his rambles

would hold conversations with some imaginary person. This mood was followed by days of strictest seclusion. He was gloomy and taciturn, and would see none of his friends or acquaintances. His family kept the matter suppressed for weeks, until finally he conceived a maniacal hatred for one of his grown sons, addressing him always as "John Martin," and attempting to murder him whenever he came in sight. Family pride and filial love finally succumbed to fear, and his family had his sanity tested in court. Imagine, if you can, the feelings of the writer when summoned on the jury to try this man for lunacy on the same fatal day of the year that John

Martin was shot! It was the third anniversary. The man was sent to the Lexington Insane Asylum, and there he remained until the day of his death some few months later. I have since heard the officials who accompanied him relate that when the train reached the town of Farmers he became so violent that it required the assistance of four passengers to hold him down. No one could account for the agitating effect of that quiet, peaceable little village upon the diseased



"HE WOULD WALK AND TALK INCESSANTLY."

mind; but to one acquainted with the case, as I was, it seemed perfectly clear.

Three years had now passed, each bringing its terrible result to some one of the guilty band. I had in the meantime lost trace of John Wheeling, one of the chief plotters in the gang, and one whom I remembered as most noisy when discussing their plans on that fateful night. I chanced one day to pick up an Ohio paper, and was stricken speechless with astonishment to find the picture of John Wheeling—a prisoner awaiting trial for the murder of his father-in-law! I followed the



proceedings of the trial very carefully. No motive could be assigned for the deed, but John Wheeling was given a life-sentence, and on the fourth anniversary of his midnight ride to Farmers he donned a convict's garb and gave up home and freedom for a crime of which he stoutly declared his innocence and for which no just cause or reason has ever yet been found!

Hitherto I had not connected the catastrophes which befell these men with the murder of John Martin, but now I began to note the mystery of it all, and found myself looking forward to the 3rd day of March with excitement and dread. The fifth anniversary, a beautiful day for the season of the year, passed off without any evil occurrence, and I felt greatly relieved. But night came with another misfortune wrapped in its gloomy curtains.

a cheery greeting and passing jokes with all. "Andrew seems lively this morning," remarked one; "he must have had a good sale this year."

Tolliver lingered in town beyond his wonted stay, chatting with different friends. At dusk, however, he bade them "good-bye" and galloped out of the town towards home. But he was destined never to reach his home alive. He lingered so long in the town that his family, becoming alarmed at his prolonged stay, sent a boy of fifteen in search of him. The night was one of inky blackness. The boy rode on until he almost collided with a riderless horse standing still in the road. He held his lantern higher so that he could see the animal, and with a start recognised his father's saddle-horse! His father was hanging from the stirrup covered with blood, and quite dead.

The boy's pitiful cries aroused several persons,



"HIS FATHER WAS HANGING FROM THE STIRRUP."

Andrew Tolliver was a prosperous farmer living some five miles distant from the county seat. He had sold the products of his farm a few days before, and came on the 3rd of March to deposit his year's earnings in the safe of a merchant friend in town, there being no bank nearer than thirty miles at that time. He seemed unusually cheerful and jolly that day, meeting his fellow-farmers along the road with

and soon a large crowd gathered and conveyed the body home. Morning had dawned by this time, and the coroner was soon upon the ground making investigation. By bits of clothing and traces of blood they traced the victim back to the old homestead of John Martin, but what occurred at that spot still remains a mystery. The coroner's verdict was that Andrew Tolliver came to his death by being thrown from his



horse and dragged along the road, the horse's fright being occasioned by something or someone just in front of the old, deserted Martin homestead.

Meanwhile John Shephard was sojourning in the Kentucky Penitentiary, having been sentenced to imprisonment there for a term of twenty-one years for killing an officer in Mount Sterling, who attempted to arrest him for some misdemeanour. While he was in the penitentiary he conducted himself so meritoriously as to get into the good graces of the warden, and to secure greater liberty than other criminals of his class. He pretended to become converted, and was a devout worshipper at the prison chapel. His good conduct, together with the untiring efforts of his friends, secured his release after an imprisonment of only five years. He returned

The day passed and he came not. Night came on and the woman watched anxiously, and still he did not make his appearance. The next day passed and the next night, and the poor wife was frantic. She had made but few friends, and could appeal to no one. The next morning, however, just as she had succeeded in interesting the police-officials and had got them to start in search of him, the news came that he was found. The man who found him was, according to his story, out hunting stray hogs, and when he reached the darkest part of "Gloomy Hollow," hearing the swine moving, he turned out of the path and proceeded in that direction. After going about 30 ft. he was horrified to see the dead body of a man. It proved to be no other than Shephard—stone-dead, murdered!



"HE WAS HORRIFIED TO SEE THE DEAD BODY OF A MAN."

to his native county apparently a changed man. While in prison he met a beautiful woman who visited the prison Sabbath school and taught the Bible. They were associated much together, and she was one of the most untiring in the effort to secure his release, and ultimately married him.

Shephard took a contract to oversee a timber job in "Gloomy Hollow," and one day parted only from his wife to go and assign the work to the labourers, assuring her that he would return in a few hours. But he never came back.

When the officers set to work to find the assassin, they found only the spot where beaten-down bushes had afforded him a place of concealment. The underbrush was broken and the earth trampled hard, showing that the murderer had been in ambush for several days, and that he knew the route travelled daily by his victim. It was evident to me that some of John Martin's avengers had been at work, although years had passed and the "Rowan County War" was supposed to have ceased and all the old enmity to have been buried. It was but



another mystery that baffled those who would have made it clear, while fear kept silent those who could have explained it. They moved the body of Shephard into the old court-house at Morehead. While the watchers sat and discussed the terrible crime in whispers someone mentioned another crime in years gone by, and one of them said: "Do you remember the night when John Martin was murdered?" "Yes," answered another. "But why?" "I was trying to think of the date, that is all," he said. "It was the 3rd day of March in the year 1883," said his companion. "Good heavens!" returned the first speaker. "If Jack was killed three days ago, as the doctors testify, he must have been murdered on the 3rd of March!" They talked long on the subject and all agreed that it was a strange coincidence, for Shephard was known to have delivered the forged order which secured the handing over of Martin. A strange coincidence, indeed, but still none saw in this strange crime, as I did, the hand of the avenger.

No one was ever indicted for the murder of Jack Shephard. The murderer has not been apprehended to this day, and no one ever dared to advance so much as a theory concerning who the person might be, lest they should themselves share Shephard's fate.

Only one of the conspirators was now living. He was a man of wealth and influence, and Providence seemed to smile upon him and bless him beyond the lot of his neighbours. He was a model citizen, and enjoyed a happy home and success in his every undertaking. "Surely," I thought, "this man will escape the Nemesis?" Still, during the last days of February, I found myself looking forward to the 3rd day of March with nervous dread. The nearer that day approached, the more apprehensive I became. My nights were troubled and filled with nightmares, and the days with gloomy retrospective thought and still gloomier anticipation. I had stood silent and powerless, watching these many tragedies growing out of one, until, under the burden of the awful secret, I felt almost as

guilty as the original seven conspirators. Could I not in some way warn Gerald Walsh, or could I not, by keeping a silent watch over him, save him from the hand of this invisible and inexorable Nemesis? I could not dispel the gloomy thoughts that filled my mind, and sometimes imagined that the succession of tragedies had almost turned my brain. When I looked at the calendar the date March 3rd seemed magnified to my distorted vision, and sometimes I seemed to see a red circle around the date. When the 2nd day of March closed and night came on I could no longer bear the suspense, but resolved to go on the morrow, whatever the cost, and warn Gerald Walsh. The night passed slowly, every moment seeming an hour, and when morning dawned I arose, looking worn and haggard. Without waiting to partake of our morning meal, I caught my horse and galloped to Morehead. When I reached the village I met two men, and, seeing that they were excited, stopped to inquire the cause. "Gerald Walsh is dead," answered one. "He committed suicide last night!" "What for?" I asked, horrified beyond expression at the news. "No one knows," he answered. "He seemed as cheerful as usual until yesterday, when his wife noticed that he appeared depressed." "Did he leave no message?" I inquired, anxiously. "Yes; he left a note pinned to his pillow, saying, 'It is better to go out and meet your fate than run from it and be overtaken,' but no one understands what he meant."

But I understood—and like a flood of light the explanation broke in upon me. There had been another silent spectator to this ghastly series of catastrophes—one who was more vitally interested than myself. Reviewing the dread and horror I had suffered for days past I shuddered at the thought of the ordeal of apprehension through which this wretched man must have passed. My life-long regret is, and ever will be, that my lips remained sealed until this long-drawn-out tragedy had reached its bitter culmination.

Box 52



# Rowan County War

## August 1884 – June 1887

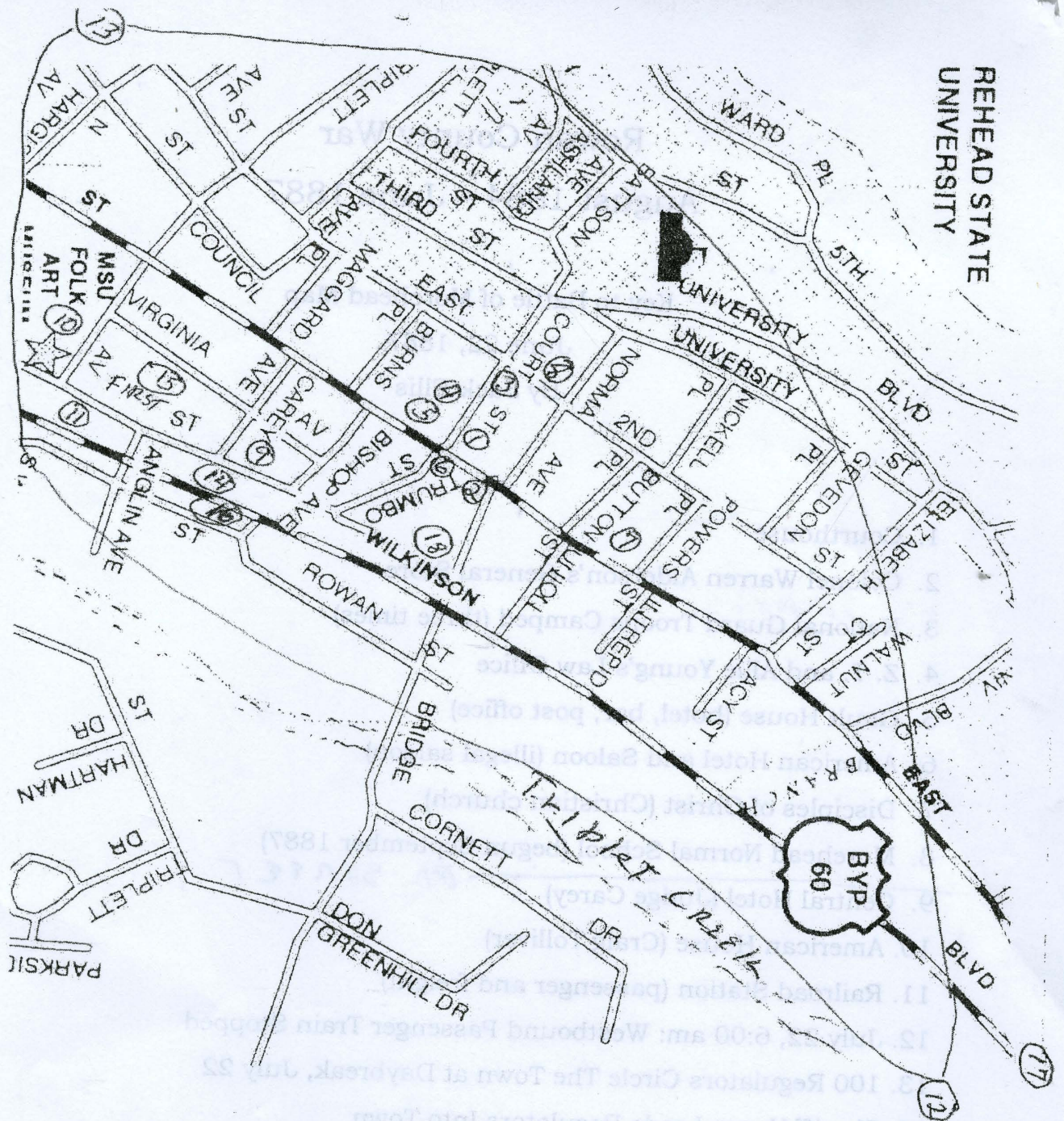
Key to Battle of Morehead Map

June 22, 1887

By Jack Ellis

1. Courthouse
2. Colonel Warren Alderson's General Store
3. National Guard Troops Camped (three times)
4. Z. T. and Allie Young's Law Office
5. Gault House (hotel, bar, post office)
6. American Hotel and Saloon (illegal saloon)
7. Disciples of Christ (Christian church)
8. Morehead Normal School (begun September 1887)
9. Central Hotel (Judge Carey) *ON STREET*
10. American House (Craig Tolliver)
11. Railroad Station (passenger and freight)
12. July 22, 6:00 am: Westbound Passenger Train Stopped
13. 100 Regulators Circle The Town at Daybreak, July 22
14. Sheriff Hogge Leads Regulators Into Town
15. Battle Begins—Lasts 2 ½ Hours (2000 shots fired)
16. Four Killed—Bodies Lay on Gault House Porch
17. Martin Homestead
18. Cora Wilson Stewart Moonlight School Museum
1. Court Trials Begin (no one found guilty)
3. National Guard Troops Return for Third Time

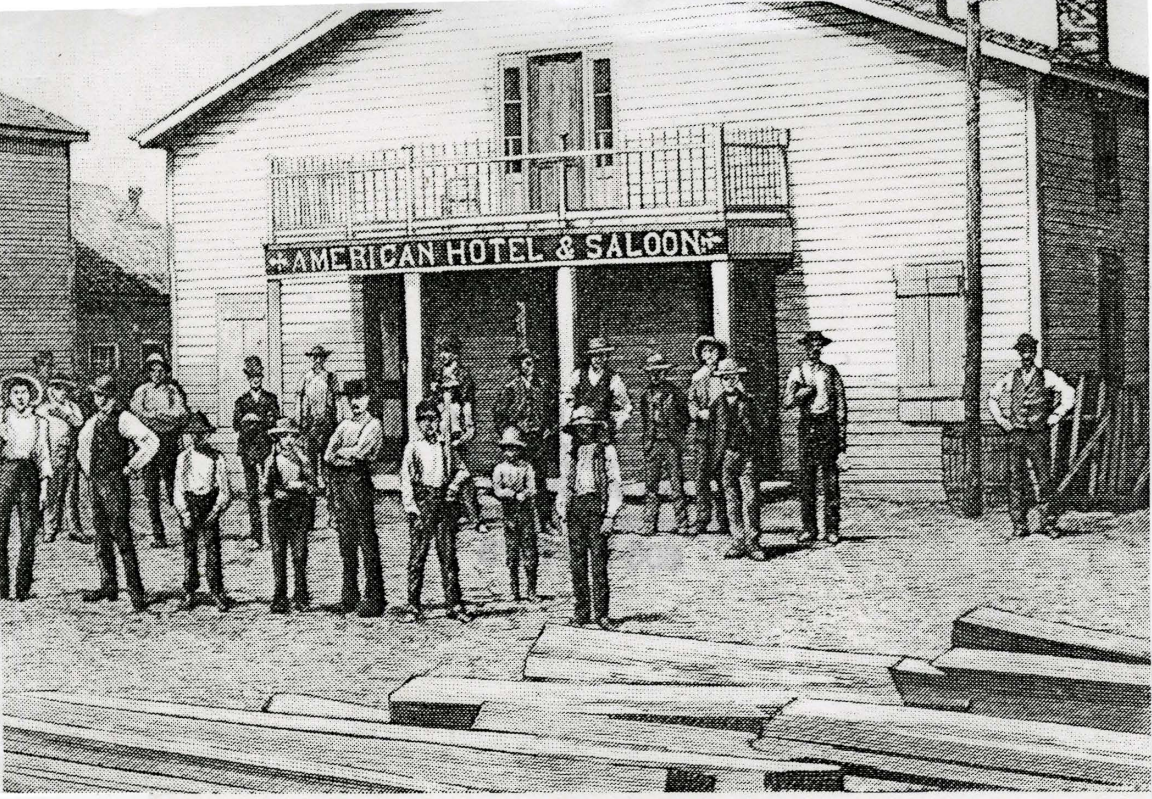




Rowan County War Map  
and  
Battle Of Morehead  
June 22, 1887

By Jack Ellis





*racers for political office were close; the newcomers added to the volatility of such contests. A fatal shot during an 1884 election led to a feud that ended in a gun battle three years later. The shoot-out led to national attention and this engraving based on a photograph. A former Confederate general felt that education was the only answer to the problem and contributed \$500 to found what was the forerunner of Morehead State University. It was suggested by others that the only way of curing the feud damage was to repeal the act forming the county, allowing the land to revert back to the former counties. From the Sprague Collection*



## The Tolliver Song [63]

[Law E 20]

This song is closely related to one of the most famous of Kentucky feuds, the Rowan County "War." It should be pointed out that the code of honor of the Highlander does not require that he give his opponent a fair chance to defend himself; any means, fair or foul, are suitable, and his behavior is in striking contrast to the chivalric spirit of the plainsman of the West. In Kentucky this ballad is known as "The Rowan County War." ~~Contributed by Hattie Roeland, Cliff Top, Fayette Co., W. Va.~~

It was in the month of August, all on election day,  
Lent Martin, he was wounded, some say by Johnny Day.  
But Martin could not believe it, or could not think it so;  
He thought it was Bud Tolliver that struck the fatal blow.  
They wounded young Ad Simon, although his life was saved;  
He seems to shun grog shops since he stood near the grave.  
They shot and killed Sol Bradley, a sober, innocent man;  
Left his wife and children to do the best they can.

Martin did recover, some months had come and past;  
All in the town of Morehead these men did meet at last.  
Tolliver and a friend or two about the street did walk;  
They seemed to be uneasy, with no one wished to talk.

They walked into Judge Carey's grocery<sup>1</sup> and stepped up to  
the bar;  
But little did he think, dear friends, he had met his fatal hour.  
The sting of death was near him; Martin rushed in at the  
door.

A few words passed between them concerning a row before.

People soon got frightened, began to rush out of the room,  
When a ball from Martin's pistol laid Tolliver in the tomb.  
His friends then gathered round him, his wife to weep and  
wail;

And Martin was arrested and placed in the county jail.

He was put in jail at Roand,<sup>2</sup> there to remain a while,

<sup>1</sup> Grocery—saloon.

<sup>2</sup> [Roand—Rowan.]

Taken from Ky 784.4976 Folk-Songs of the Southern United States  
C 7318 by Josiah H. Combs



In the hands of law and justice, to bravely stand his trial.  
The people talked of lynching him, at present though they  
failed;  
The prisoner's friends removed him to Winchester jail.  
Some persons forged an order, their names I do not know;  
The plan was soon agreed upon, for Martin they did go.  
Martin seemed to be discouraged, he seemed to be in dread.  
"They have sought a plan to kill me," to the jailer Martin  
said.

They put the handcuffs on him, his heart was in distress.  
They hurried to the station, got on the night express.  
Along the line she lumbered, just at her usual speed.  
There were only two in numbers to commit the awful deed.  
Martin was in the smoking car, accompanied by his wife.  
They did not want her present when they took her husband's  
life.  
And when they arrived at Farmer, they had no time to lose.  
A band approached the engineer and bade him not to move.  
They stepped up to the prisoner with pistols in their hands;  
In death he soon was sinking, he died in iron bands.  
His wife overheard the noise, being in the smoking car.  
She cried, "O Lord! they've killed my husband," when she  
heard the pistols fire.

The death of these two men has caused trouble in our land,  
Caused men to leave their families and take the parting band.  
It has caused continual war, which may never, never cease.  
I would to God that I could see our land once more in peace.  
They killed our deputy sheriff, Baumgartner was his name.  
They shot him from the bushes, after taking deliberate aim.  
The death of him was dreadful, it may never be forgot;  
His body was pierced and torn with thirty-two buckshot.

I composed this song as a warning. Oh, beware young men!  
Your pistols will cause you trouble, on this you may depend.  
In the bottom of a whiskey glass a lurking devil dwells,  
Burns the breath of those who drink it, and sends their souls  
to hell.

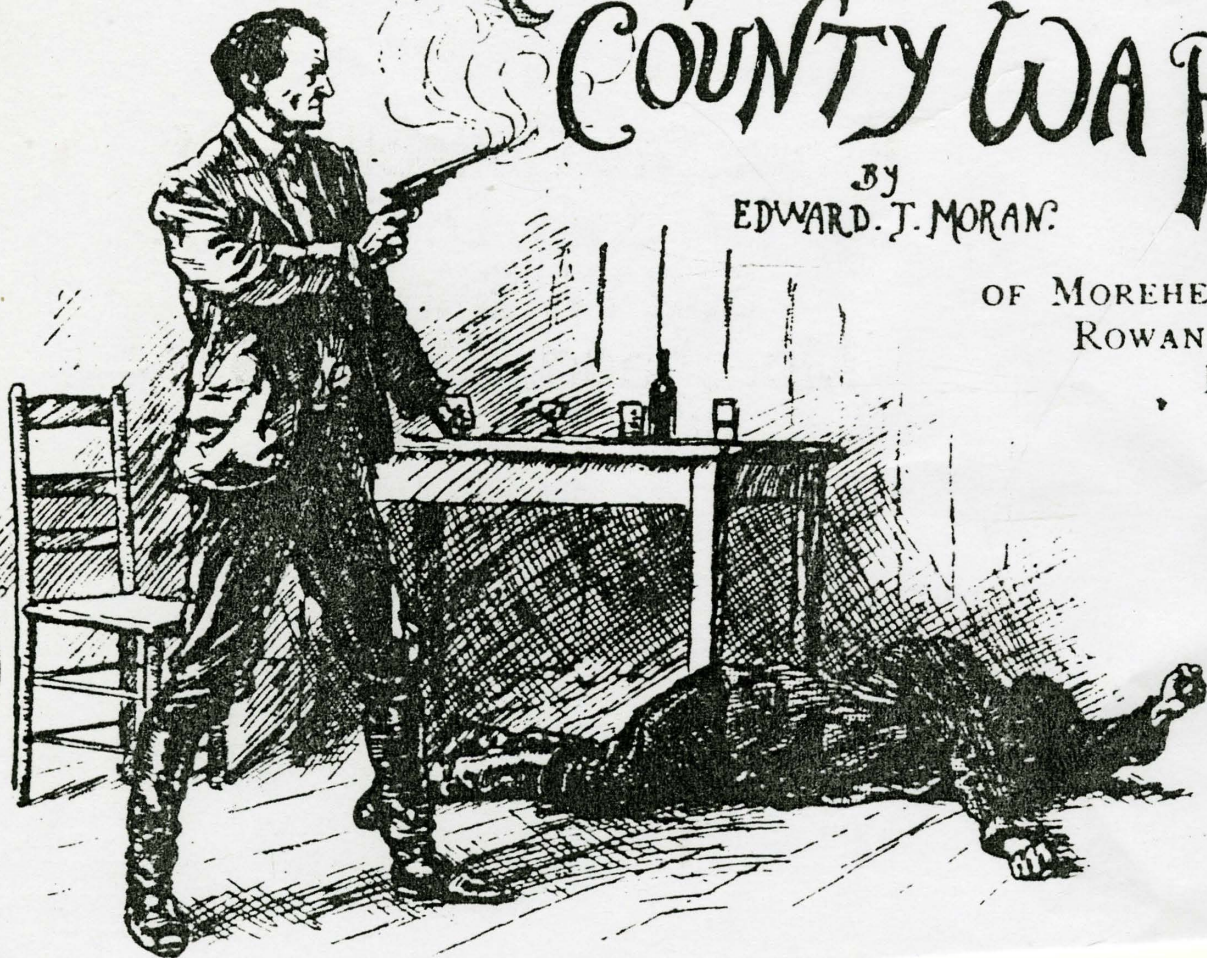


DUPLICATE

# THE ROWAN COUNTY WAR.

By  
EDWARD. J. MORAN:

OF MOREHEAD,  
ROWAN COUNTY,  
KENTUCKY.





strife. He was drawn into the plot believing the act to be one of patriotism and of justice. He forged the fatal order, and a short time afterwards realized that he was a murderer, guilty of a dastardly crime. Being a man of tender conscience, he brooded until life became unbearable, and finally sought to drown his remorse in head-long dissipation. He finally came to an untimely end on the first anniversary of the night when he aided and abetted in the murder of John Martin. He died raving in delirium, beseeching the watchers again and again to "burn the order; burn the order." They, of course, did not understand him.

We will now follow the career of William Colton, a man who had served for year as one of the county's best officials. He continued to live in Morehead for some months after the Martin tragedy, and quietly pursued his avocation, which was the practice of law. But the fear of discovery lay heavy upon him, and he moved back farther into the mountains, to Martinsburg, thinking thereby to ensure his safety. Soon after he settled there a terrible crime was committed in the locality, and suspicion pointed to Colton. He was arrested, tried, and convicted, upon purely circumstantial evidence. The judge, as if inspired by Fate, fixed the day of the second anniversary of John Martin's death as the date of his execution! The convicted man was duly hung on the appointed day, although loudly protesting his innocence to the last moment. Three weeks later the real murderer, being no longer able to bear the weight of a guilty conscience, confessed to the murder and thus declared Colton's innocence. But it was too late! William Colton had gone to answer for his share in the tragedy at Farmers.

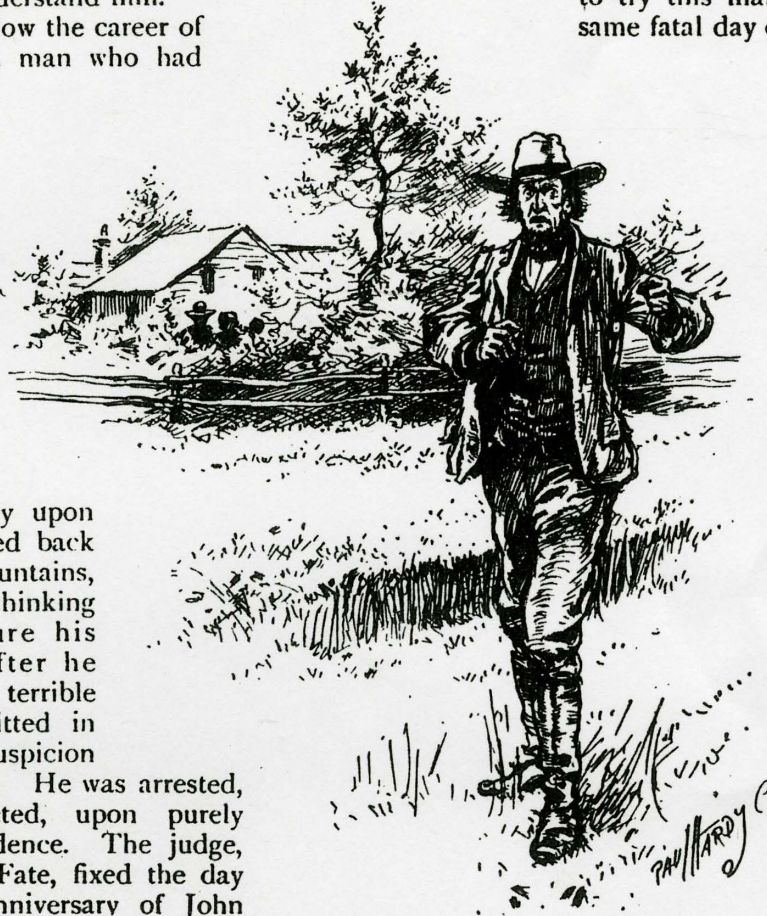
Some months later it was whispered that one of Morehead's most prominent citizens had become mentally unbalanced. For days he would walk and talk incessantly, and when unable to secure a companion in his rambles

would hold conversations with some imaginary person. This mood was followed by days of strictest seclusion. He was gloomy and taciturn, and would see none of his friends or acquaintances. His family kept the matter suppressed for weeks, until finally he conceived a maniacal hatred for one of his grown sons, addressing him always as "John Martin," and attempting to murder him whenever he came in sight. Family pride and filial love finally succumbed to fear, and his family had his sanity tested in court. Imagine, if you can, the feelings of the writer when summoned on the jury to try this man for lunacy on the same fatal day of the year that John

Martin was shot! It was the third anniversary. The man was sent to the Lexington Insane Asylum, and there he remained until the day of his death some few months later. I have since heard the officials who accompanied him relate that when the train reached the town of Farmers he became so violent that it required the assistance of four passengers to hold him down. No one could account for the agitating effect of that quiet, peaceable little village upon the diseased

mind; but to one acquainted with the case, as I was, it seemed perfectly clear.

Three years had now passed, each bringing its terrible result to some one of the guilty band. I had in the meantime lost trace of John Wheeling, one of the chief plotters in the gang, and one whom I remembered as most noisy when discussing their plans on that fateful night. I chanced one day to pick up an Ohio paper, and was stricken speechless with astonishment to find the picture of John Wheeling—a prisoner awaiting trial for the murder of his father-in-law! I followed the



"HE WOULD WALK AND TALK INCESSANTLY."



and train came puffing in. They boarded the train and were whirled away through the "blue-grass" country. Darkness enveloped everything, and an occasional twinkling light in a distant farm-house was the only thing to be seen. Shephard was taciturn, and seemed plunged in gloomy meditation; he was apparently very careless of his prisoner, but in matter of fact his eye never once wandered relaxed its vigilance. When they reached the town of Mount Sterling, some twenty miles from Farmers, he rose with a nonchalant air, and with a voice of studied carelessness said, "Come, Martin, let us go into the smoker and take a puff." It was at the hour of eleven that Shephard and his prisoner entered the smoking-car and seated themselves, Shephard placing himself on the side next the aisle.

and alarmed me, for I was aware of the great excitement that prevailed. Accordingly, as a measure of precaution, I jumped behind the stump of a gigantic tree to await the passing of the horsemen. As they drew near they slackened their speed and finally stopped and dismounted within 100 ft. of me. I was almost paralyzed with fear, thinking that my presence would be discovered, but I soon found that they had only stopped to review some plan. I recognised each voice, and in a few moments was made acquainted with all the details of the terrible deed to be committed that night. They discussed the location of Shephard and his prisoner in the car. There were six of them, and I gathered that three would "hold up" the engineer while the others would locate the prisoner, shoot the lights out, and then attack him.



"MARTIN DROPPED MORTALLY WOUNDED."

Just at this hour I was hastening from my home in Farmers to the bedside of a dying friend. In order to reach the place quickly I took an old deserted road, and when hurrying along about a mile from the village I had just the sounds of galloping horses' feet arrested me

Shephard was to dodge beneath the seat to avoid injury to himself. After repeated instructions and careful cautions they remounted, and, hearing the whistle of the train in the distance, put spurs to their horses and galloped on.

I was rooted to the spot with horror. There



horse and dragged along the road, the horse's fright being occasioned by something or someone just in front of the old, deserted Martin homestead.

Meanwhile John Shephard was sojourning in the Kentucky Penitentiary, having been sentenced to imprisonment there for a term of twenty-one years for killing an officer in Mount Sterling, who attempted to arrest him for some misdemeanour. While he was in the penitentiary he conducted himself so meritoriously as to get into the good graces of the warden, and to secure greater liberty than other criminals of his class. He pretended to become converted, and was a devout worshipper at the prison chapel. His good conduct, together with the untiring efforts of his friends, secured his release after an imprisonment of only five years. He returned

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Vol. ix.—42.

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the Rowan County trouble.")



# The Rowan County News

Morehead, Kentucky, Thursday Morning, May 10, 1956

## Judge John Rowan, For Whom County Was Named, Was Able Leader In Early State History



**PICAL SAWMILL**—From its beginning Rowan County's principal cash crop has been its forests. This picture, taken about 40 years ago, shows the saw mill of the late W. L. Hargis, now widow Kate Hargis, now resides on RFD 2. Front row, left; John Baldridge, Willie Crawford, Leslie Tolliver, William Baldridge, Tommy Campbell, Bob Workman. Second row: Jim Fultz, Boone Brown, Everett Campbell, Green Fultz, L. Hargis, Matt Walters. Back row: Nath Workman, Boyd Miller, Luster McClain, Johnnie Roberts, Clay Crawford, Les Perry, unidentified man, and John Brown.

Rowan County was named in honor of Judge Rowan, one of the ablest jurists and statesmen of his time. He was a native of Pennsylvania and came to the western country with his father, William Rowan, at the close of the Revolutionary War, in hope of repairing the ravages in his private fortune. Kentucky was then a wilderness, the choice hunting ground of many hostile tribes of savages—the field of hazardous adventure, the scene of savage outrage, the theatre of ceaseless war, an arena drenched in blood and reeking with slaughter.

In the spring of 1784 when Judge Rowan was 11 years old, his father with five other families, made a settlement at the Long Falls of Green River, then about 100 miles from any white settlement. Here young Rowan soon distinguished himself for his bravery and remarkable energy.

At the age of 17 he entered a classical school kept at Bardstown, by Dr. Priestly. In this school were educated many of those men who have since figured conspicuously in the his-

tory of Kentucky and national life. After leaving this school he went to Lexington and commenced the study of law. In 1798 he was admitted to the bar and soon attained a high rank in his chosen profession.

He was a member of the convention of 1799 that formed the present constitution of Kentucky. He was appointed secretary of state in 1804 and in 1806 was elected to Congress from a district in which he did not reside. He as a frequent member of the state legislature and in 1819 was appointed a Judge of the Court of Appeals. While on the bench he delivered a learned and forcible opinion on the power of Congress to charter the bank of the United States.

"In 1823, he was appointed by the legislature, in conjunction with Henry Clay, a commissioner to defend what were called the "occupying claimant laws" of the state, before the Supreme Court of the United States. The uncertainty of land titles under the Virginia laws, had lead to the enactment of laws by the Kentucky Legislature, more favorable than the common law of England. These statutes were attacked before the Supreme Court upon the ground that they violated the compact between Virginia and Kentucky. The petition of the commissioners was drawn by Judge Rowan, and is considered the ablest vindication of those laws ever published.

In 1824, he was elected to the senate of the United States, in which body he served six years. The last public office Judge Rowan filled was that of commissioner to adjust the claims of citizens of the U. S. against Mexico, under the convention at Washington in 1839. At the adjournment of the commission returning to his home in Kentucky he became ill, was unable to re-





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 exceptionally 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.*



## Rowan County War

### NOT GUILTY

#### Hiram Pigman and Perry Acquitted at Morehead

Not guilty of the murder of Craig Toliver. Prosecution conducted by four attorneys assisted by the Commonwealth's Attorney was pushed with unusual energy. Taylor Young was the leading counsel for the State doing all the examination of important witnesses. Commonwealth Attorney remained in the background. Defense conducted by Wallace Maguire, G. A. Cassity of Fleming County, J. T. Hazelrigg and Boone Logan. The instructions of the court were such that Taylor Young said that so strong that they argued themselves.

#### A Serious Question

The element of uncertainty to who killed Tolliver prevailed. An Acquittal: Verdict was in accordance with popular feeling rather than in accordance with the law as laid down by the court.

Many people regarded the results as an ending of the Rowan County trouble. Attorneys for the defense elated. After the verdict throngs rushed to get past the soldiers out into the yard.

John Trumbo indicted as an accomplice of John Keeton in the attempt to murder Howard Logan was acquitted. Court adjourned Friday evening and Judge Cole returned home. D. B. Logan went to Mt. Sterling to reside since he said the Tolliver's were heavily armed in Morehead.

State troops received orders Saturday to break camp and return home on a special train. Captain McPherson, commander of the troops was directed to return all arms taken from the citizens and their respective owners and to take the 50 Springfield rifles ~~for~~ and two thousand rounds of ammunition seized in transit from Z. T. Young and A. J. White. Saturday afternoon McPherson was approached by Z. T. Young and Jerry Wilson who demanded the guns but McPherson declined to surrender them. When the train arrived in Mt. Sterling, Deputy Sheriff Burroughs, Clay and Jones were at the depot and presented McPherson with an order to deliver from the Montgomery Circuit Court for a box of Springfield rifles of No. 50 calibre, and Z. T. Young and Jerry Wilson but McPherson refused. On refusal the deputies left. Deputy Burroughs and Jones went on to Frankfort. A Lexington correspondence said. "Sheriff Burroughs is afraid that the Rowan County troubles will follow Taylor Young to Mt. Sterling and that Montgomery will be dragged into the dispute.

From The Correspondent:  
Dr. Jack D. Ellis  
552 W. Sun St.  
Morehead, KY 40351  
606-784-7473



He was first asked about the guard summoned by Judge Cole to preserve order at the February term of the Circuit Court 1887. There were twenty names in all, and as each was called he passed judgment thereon in a characteristic and emphatic manner. No Martin sympathizers were on the list and most of them were not only friends of the Tollivers but some were there under indictment for murder. Jim Pelfrey had previously burned the Morehead jail was at the time under indictment with the return "not found, indorsed thereon."

Thomas White was a man of low character, now in Frankfort on a drunk. Charley Day and John Trumbo boys fifteen years ago, were armed and given authority that older heads should have exercised. Jerry Fletcher and Tom Allen Day were accused of murder. J. G. Mannin was regarded as a weak tool in the hands of designing men, and a man of no character, then charged with felony. It was currently reported that the Tollivers who were on the list came from Elliott County at the instigation and invitation of Taylor Young. They were summoned after they reached Morehead.

Taylor was next asked the kind of bond Judge Cole required. Senator Wright who examined the witnesses and the committee, asked him about cases where Cook Humphrey and Craig Tolliver were arrested on opposite sides. He replied that the Humphrey people had to give ample security, while the Tolliver crowd were turned loose on straw bonds. The Judge's attention was called to this fact, but no action was taken.

James W. Johnson was Circuit Court Clerk. Court records had been mutilated in several instances. One case, No. 113, the name of the original defendant had been scratched off the indictment, and "John Kountz" ~~xxxx~~ substituted. Johnson is charged with defalcation, and has since been removed by Judge Cole as trustee of the jury fund and certain irregularities in his accounts. An attempt to indict him proved abortive.

Logan testified that Allie W. Young, the County Attorney, had put an order on the county records authorizing himself to collect \$55 for services ~~xxxxx~~ rendered. He forced Judge Stewart to sign the voucher under a threat to resort to force of arms if he did not comply. The County Judge can barely write his name, was a weak man, personally afraid and who sometimes acted with a preference to his personal safety. Mr. Bailey was jailer of the County, and last June had Thomas Trumbo under his charge for shooting into the Court house. On the day of the Democratic convention Tom was in demand and Allie Young secured the keys by threats from Bailey and Trumbo was turned loose. He returned later. Tom Allen Day was in jail at another time, when some of his friends slipped a pistol to him. He called Bailey to his cell and persuaded him to let him go. On the 22nd of last June, when the Tollivers were killed, the jailer fled, taking the keys with him, and leaving one man locked up. He came near starving to death, but was released by an accommodating blacksmith.



Logan said there ~~w~~ were plenty of good men in Rowan whom the sheriff could have summoned as guards without going to Elliott Party feeling had little ~~w~~ to do with the trouble. Whiskey had played the principal rote in the various murders. The county officials were more to blame than Judge Cole. There is a current belief that Taulor Young can secure immunity for a citizen before Jodge Cole, no matter how heinous the crime. This is a common talk among Young's friends. Witness was in Morehead ~~with~~ when a box of twenty guns came to Deputy Sheriff White, who had once been in the penitentiary. Young now has a suit against Captain McPherson for these guns that were seized by order of the Governor. Lately fourteen of some of Young's friands have been furnished by him with Springfield rifles. Enough good men can be found to enforee the law, if ~~t~~ the officers would perform their duty.

Mr. Wadsworth asked him to relate the circumstances of each killing and give his opinion as to the causes. It is remarkable with what accuracy he gave the most minute details. He could not be confused as to dates or circumstances. Colonel Wadsworth read an article from the pen of Boone Logan reflecting severely upon Howard Logan. In explanation he said I had been told an infamous lie by Green Mannin and Taylor Young" To make this more interesting, it may be well to state that Taylor sat immediately behind the witness at the time of this caustic remark. He was then asked if he did not vote for Craig Tolliver for Police Judge in 1887. He said he did because there was no opposition, but that he had tried to find another candidate. Tplliver had everybody afraid of him. Did you vote for him because you were afraid of him. "No, sir was the emphatic response. He denied that he organized a mob to lynch Floyd Tolliver's slayer, but said he would have assisted. There were bad men on both sides and serious crimes had been committed. He did not condone a man's fault, be it friend or foe. After the June killing he, in company with Deputy Sheriff Hogg, called on Judge Cole. There were men on the grand jury who did not belong on the grand jury. Though Judge Cole wanted to do what was right, he came to Morehead with a tough crowd.

Colonel Wadsworth tried to trip him here, but failed. Logan adhering to the statement that he had not yet lost confidence in Judge Cole. He said that he had shot at and tried to kill the Tollivers when they would not surrender. Did not know whether he had hit any or not. The sheriff hid when the fight began.

Pigman and Perry had joined in the shobting of their own accord. Were not summoned, said Judge Cole always gave a good charge to the grand jury. In 1885 he was on Young's side, and while Judge Cole was sick said to him if a man like Judge Jackson comes up here he will send a lot of people to th the penitentiary. Young replied: "I will fix that all right so we can get off without any trouble." Judge Holbert presided, and there were no convicti ns. At this point the committee adjourned.



As Logan left the room Taylor Young asked him if he meant to say that he had knowingly told him a wilful lie. Logan replied. "I don't know whether you knew it or not, but it was a lie." They then separated, apparently satisfied.

Thursday: Ashur G. Caruth of Louisville was the first witness examined. He said a peculiar feature of the criminal docket was the number of cases involving a charge of conspiracy could make anything out of the cases on it. It was a mere shell and connections were impossible. It was impossible to secure convictions so he affected an arrangement with Humphrey and Craig Tolliver for them to leave the County.

Mr. Caruth said he went to Rowan prejudiced against Judge Cole but it was removed. He found him a very fair man, and had no reason to believe him other than an honest and upright Judge. You cannot enforce the laws unless public sentiment is at your back. Judge Cole cooperated.

As to Z. T. Young he said he found him a Tollerite and consulted him only in reference to prosecuting members of Cook Humphrey's faction.

The only filing case tried was against a poor devil who had broken into a railroad car.

Boone Logan on the stand said there were 50-60 in the battle of last June in which the Tolliver crowd was wiped out. Five of six were out of the County.

General Hardin who came to Rowan in July 1885 at the request of the Governor to investigate the affairs, found the people afraid to talk. He learned everything he had heard was true and that half had not been told. Taylor Young told him the men to be tried were his friends. A few days later he told the County Judge that ~~there were no more to be tried~~ it was a d--- shame that these men should be prosecuted and that they ought to be turned loose.



Cincinnati Post: Had Rowan County had an upright, just fearless judge: fearless, just, honest juries: courageous, truthful witnesses and an invincible determination that they should be executed only by the duly elected and empowered officers of the law, Rowan County would be one of the happiest and most prosperous, as it is already one of the most picturesque and beautiful counties in Kentucky.

He, No Doubt Felt Like It: The breaking up of the Tolliver gang in Rowan County, Kentucky in a rather irregular way seems to have had the complete sanction of Governor Knott, Mr. D. B. Logan, who led the rustic troops who stormed the town of Morehead and killed the Tollivers, simply telegraphed the Governor after the job was completed: "I have done it." "This excels somewhat the laconic bulletin of the great Caesar, and it should have been supplemented by a simple message from the Governor, "Shake." N. Y. World.

Mt. Sterling: Alvin M. Bowling, Town Marshal of Farmers, Rowan County, went to the house of John Schoo, who lived near that place and at the point of a pistol forced him to allow his daughter, Mattie Scott, to depart with him. They went to Olive Hill and the next morning registered at the Turner House as husband and wife. Marshall Wyatt arrested Thomas Boyd, a Rowan County merchant, at Dan Chenault's restaurant for drunkenness and drawing pistol on Chenault. As he returned up Maysville Street, Wyatt was overtaken by Bowling who had gone to the depot with Miss Scott to take the train. Bowling was very drunk and drawing a large revolver demanded Boyd's release. Wyatt acceded to demands. Bowling and Boyd returned to depot followed by Wyatt who summoned a posse to assist him in arresting them. Bowling defied arrest. The train pulled in. Bowling with pistol in hand attempted to board it with Miss Scott, but was grasped by John Gill and others. A struggle ensued and Bowling's pistol was discharged, the ball passing through Howard Wilson's right hand. Freeing himself, Bowling turned and shot John Gill in the stomach inflicting a mortal wound. Bowling then attempted to shoot Lindsey Anderson but Anderson was too quick for him and grasped the pistol.



Bowling again freed himself and fired at Anderson, but missed him and the ball went through the vest of James Jones, a negro porter at the Turner House. At this juncture James W. Graces, constable rushed in and grasped Bowling from behind. Bowling attempted to shoot him but Lindsey Anderson had procured a pistol and putting it to Bowling's head commanded him to surrender. Bowling surrendered and was taken to jail.

Alvin Bowling is a notorious Rowan County desperado. It is said that he had more than once convicted murder and has been a holy terror to the people of this section. He is one of the officers who went to Winchester after John Martin, who killed Lloyd Tolliver. It will be remembered that Martin was murdered by a mob on the train at Farmers. Martin when dying accused Bowling of being his murderer and it is said that Bowling openly boasted here Monday that he had killed Martin. Bowling belonged to the Tolliver faction. He is a married man with five children and the people of Farmers are very much incensed at his conduct with Miss Scott.

The Rowan Law Mill: The trial of the parties charged with the murder of Rayburn and the burning of the Martin property commenced last Thursday. General Hardin is being assisted by W. W. McGuire of Morgan. The defendants are represented by K. F. Prichard of Catlettsburg, Judge C. W. Goodpaster of Owingsville and Allie Young. Miss Sue Martin was the first witness for the Commonwealth, and she told a straight forward story. The testimony was corroborated by her mother and sister who also told a most pitiful story of the burning of their house and the killing of Rayburn. Mrs. Tussey's story confirmed the other. The Martin Women had their home burned and they were dragged to jail.

Clark Johnson testified as follows: Robert Messer came to my house about 4 o'clock on the evening of the killing and placed a warrant in my hands for the arrest of Humphrey. He told me of the trouble at Martin's house. We started back to Martins' and were fired on from the bushes. There were about fifteen shots fired from both sides of the road. I turned back and Messer went on.

These pretended officers had no warrant for Rayburn and the one they had for Humphrey legally speaking, was no warrant at all, the general belief is that the shooting at the coroner was done by the Tolliver's faction in order to make an impression in their favor.



Harry Clarke's Part in the Logan Tragedy: Frenchburg, Ky.  
June 20, 1887. Editor's Gazette.

### Logan Boys in Rowan County Were Killed.

Henry Clarke was referred to as one of the gang in a letter by H. M. Logan. I do not intimate nor intend any ill feeling against H. M. Logan but desire to state matter correctly. Henry Clarke is my son. He is not twenty-one years old. He was raised at Morehead until spring of 1885 when the family went to Missouri. He had been away from Morehead for two years. He went to Morehead on a visit. On the day of the killing he went to the postoffice having no knowledge of what was going on, to see if there were any letters from home. A posse of men came around the corner and he was summoned by the marshall of the town to go and assist in making the arrest, not knowing at the time who was to be arrested.

Ed Pierce's Story: When John Martin was murdered on the train, his brother Dave Martin went to his home (Pierce's) in Greenup County on three different occasions to met him to assist him in the capture of John Martin's murderers, whom he professed to know. After much persuasion and a promise to pay for his time, he went with Martin to old man Martin's house in Rowan County, where they found ten or twelve men armed among them Stewart Bumgardner and Ben Rayburn. It was proposed that they all go to Morehead where the Tollivers were and arrest them. Sheriff Humphrey came out the following night and the crowd started to Morehead with the avowed purpose of shooting the Tolliver crowd wherever found as they had concluded that the latter was too numerous to attempt to arrest. After going part of the way they backed out and he and several others started home. He returned to Greenup and in a few days received a letter from Sue Martin to come back and assist them to get rid of the Tollivers and he would be well paid. He at last yielded and returned to Rowan. The Martin crowd then decided that they couldn't do anything with the outlaws and concluded to shoot them from the bushes. The day Taylor Young was shot, Stewart Bumgardner came to Old Martins and told them that Young was going to Hogtown that day and later on Humphrey came out and reported the same thing and said it would be a good time to kill Young. It was then arranged for Pierce and Rayborn to waylay Young and shoot him on his return to Morehead. Humphrey promising them \$50 for killing Young and \$25 each to kill Jeff Bowling, Craig Tolliver, John Day and others. Pierce and Rayborn guarded the road leading from Hogtown to Morehead, the former armed with a shot gun and the latter with a Winchester rifle. When Young came riding in a gallop, Rayborn insisted on getting down close to the road remarking that that was the way he used to do in the Underwood War. Pierce kept him back, for fear of being detected.



It was snowing hard and as Young got opposite to them; Rayborn took deliberate aim and fired, and ran down in the road and fired a second shot. Young spurred his horse and rode rapidly on,. Pierce says he did not want to kill Young, although he had agreed to do it, and refused to fire, giving as his excuse to Rayborn that the distance was too great and he could not hit him. He says the snow in Rayborn's face was all that saved Young. He and Rayborn were paid \$15 by Humphrey for work done. He and Rayborn returned to Greenup again and after Bumgartner's death, Humphrey came after him and promised him a Winchester rifle if he would go with him, the rifle being at Judge Carey's hotel in Morehead.

He and Rayborn and one Fultz agreed to go with him, but the two got frightened and turned back. He went on to Morehead with Humphrey, and at the Carey House they found a crowd of armed men, part of the Martin's faction. On the next day, the first of April, he and Humphrey went into a saloon where they found Bowling and others playing pool. In a few minutes John Day came in, and the Tolliver crowd then drew their pistols and ordered him to leave Morehead. He went to the Carey House and got Humphrey and started to arrest the other crowd. Humphrey fired his pistol in the air and then the Tolliver crowd opened fire on them and the fight became general. In this fight no one was hurt. On the same night the Tolliver crowd visited the Carey House and riddled it with bullets.

When the document of peace was signed, it was the understanding that if they ceased hostilities, the civil authorities would not molest them for the crimes they had already committed. He says a dispatch to this effect was sent to Humphrey by Governor Knott and he (Pierce) saw the dispatch. After this he returned to Greenup and was there when arrested. After his arrest, Craig Tolliver, Allie Young and another man whom he did not know came to him, claiming to have a warrant charging him with the attempt to shoot Taylor Yount, but the sheriff refused to turn him over to them. He says he would not have turned traitor, had not Sue Martin refused to furnish him money to get him out of trouble. Humphrey visited him in jail at Owingsville and promised to bail him out but failed to do so and he then resolved to blow on the whole gang. He says in all the councils held by the Martin crowd, they seemed to regard Taylor Young as the leading spirit on the Tolliver's side, and it was their principal object to kill him, claiming that with Young out of the way peace would be restored. He says that Young will be killed if he remains in Rowan.



At Morehead: The grand jury adjourned Friday after reporting a number of indictments for murder against persons for killing the Tollivers.

A conflict occurred last week between the Court and Captain McPherson, commander of state troops at Morehead. Willis Perry, who stands indicted for murder, was at large in the County, and refused to surrender. Judge Cole ordered Captain McPherson to deliver to sheriff Hogg the box of Springfield rifles and box of ammunition which had been shipped from Mt. Sterling to deputy sheriff A. J. White, and captured by the troops to arm a posse of citizens to arrest Perry. Captain McPherson declined to obey the order, giving as his reason that his orders were not to release these arms except by command of the Governor. In the meantime Perry is at large.

The trial of Pigman and Perry still drags along. The defense closed Saturday, and the Commonwealth introduced rebutting testimony. Up to the hour of going to press we have not heard the result of the trial.

Judge S. E. DeHaven of LaGrange, has been commissioned by the Governor to go to Rowan and try one Harris who is charged with accepting a bribe to murder Judge Cole and Z. T. Young.

Z. T. Young at the Bottom of It: A dispatch from Washington to the Louisville Times says "Mr. Edward T. Madden came in from "The Rowan County War" last night. He says County Attorney Z. T. Young is at the bottom of the trouble and could stop it any day. He says Major McKee is an excellent officer but powerless under the orders he has received from the Governor. He thinks McKee should be given full control of affairs and something satisfactory would be accomplished. As it is the troops are remaining there until after the September court and cost the State \$40,000.

Caruth's Compromise: On Tuesday of last week another tragedy occurred in Rowan County three miles from Morehead, when two more of the Martin faction bit the dust. On that day warrants were issued. We have been unable to learn by whom and the arrest of W. <sup>4</sup>. W. and Jackson Logan, sons of Dr. Henry Logan, who is now in the Lexington jail charged with conspiracy to kill Judge Cole and others. The warrants charged the Logan boys with ku-kluxing were placed in the hands of John Mannin, Marshal of Morehead, Deputy Sheriff Hogge and a posse composed we presume of the enemies of the Martin faction, made the arrest. Arriving at the home of the Logans they refused to come out and surrender and when Mannin attempted to enter the house, he received a charge buck shot in the left shoulder, inflicting a very dangerous wound. His crown then threatened to burn the building, and the Logan boys made a break for liberty and were riddled with bullets by the posse attempting to make the arrest.



Mannin is a newcomer at Morehead and has not figured in the factional fight there. Later particulars from Rowan County tragedy indicate that Craig Tolliver was with the posse, which numbered ten or more.

Dr. Logan, father of the dead men, thinks the whole thing is a scheme on the part of Craig Tolliver to get his boys out of the way. William was twenty-four and studying for the ministry, while John had passed his eighteenth birthday. William had been quite ill for the past six weeks.

The killing of these two about wipes out all that is left of the Martin faction.

Howard M. Logan, a relative of the murdered boys and who was forced to leave Morehead wrote this letter to the Commercial Gazette, in which he charges that the Marshal's posse was composed of Mannin and his brother, Craig Tolliver, Bud Tolliver, J. Tolliver, two other Tollivers whose given names he did not know, George Hogge, deputy sheriff, Harry Clark, a son of Z. T. Young and others, and gives the following account of the affair.

"With the pretense of having warrants for these boys issued by Craig Tolliver, now Police Judge of Morehead, they started about one o'clock (daytime) armed with Winchester rifles and shot guns, went to the house, surrounded the place and began the battle of firing 50-100 shots through the windows. This part of the program was simply to announce their arrival. During this part of the dreadful affair, the so-called Marshall Mannin received a slight wound in the shoulder. John Logan fired the shot that wounded Mannin.

Harry Clark, one of the gang, says that after Mannin was shot the firing ceased for a while, and the mob proposed to the Logan boys that if they would come down stairs and surrender they would be protected. The Logan boys seeing no chance to escape death, accepted the proposition, came down and surrendered and were marched about 40 yards to the spring and were there shot down like dogs. After they were killed Craig Tolliver, not being satisfied, put his Winchester against the breast of John Logan and shot him thru and thru. The ball was dug out of the ground by Hiram Pigman.

After the killing was over the mob returned to Morehead leaving their victims weltering in their blood. On their arrival at Morehead, which was about dark, Bud Tolliver went to Hiram Pigman and told him what they had done and asked him to go and take care of their victims. Pigman, thinking this might be a ruse to get him away from home in order to take his life under cover of darkness, acted prudently by not going to the scene till next morning, when he found the two boys cold in death, with all indications of a most brutal murder. If this gang of outlaws had been officers, and out for the purpose of making



a legitimate arrest, they would have taken care of the remains of these boys and not skulked off like the cutthroats they are."

He states that the gang was organized for the sole purpose of killing these boys. We have also heard substantially the same thing from other sources and it appears now that this killing was premeditated, cold blooded and deliberate murder.

Plain Truth: There is no use to longer attempt to disguise the fact that the war in Rowan County is a political one. We have known this all along, but were loth to believe that this Democratic administration in Kentucky would allow this thing to continue. We believe that, like Cleveland they would draw the line at murder, but when a Republican sheriff appealed to Governor Knott for aid it was refused him. A miserable peace commission, it was a disgrace for a failure attempted to put a stop to this lawlessness by compromising in honor of Kentucky and allowing these assassins to go unwhipped of justice. This entire transaction was but a farce and played right into the hands of certain men in Rowan County who at this moment should be swinging at the end of a rope. Every Republican of any prominence has been compelled to leave Rowan County, and sacrifice his business and his property, and this grand Democratic government has winked at it all and made no attempt to protect its citizens from a gang of the meanest murderers and bushwhackers that ever infested a civilized Commonwealth. They have not stopped at murder, but have abused helpless women and burned their houses over their heads. We boldly assert that it was a vile conspiracy among certain leading Democrats, aided by miserable, murdering tools, to run every Republican away from the County; if not, to murder them. Every man who has been killed with one exception was a Republican. The Democratic papers may howl as much as they please but there are facts, and this bears us out in the statement that it is a conspiracy for this purpose. It cannot be denied the people of this County of both parties, know who is the head of this business and a volcano is slumbering at their feet, which will ere long burst and show them up in their true colors. Murder will out.

Gazette: Major W. R. McKinney returned to Louisville last week from Rowan County, and says the state of affairs there is deplorable and that the law is insufficient to mete out justice. The court was a farce from the beginning. Both the acting Judge and Prosecuting Attorney were elected in the interest of a party; and until the Legislature convenes and makes official laws, the Governor is powerless to bring criminals to justice. Since the convening of this term of court no trials were entered into.



The Courier Journal of Saturday contained a graphic account of the origin and progress of the Rowan County lawlessness. The correspondent shows very plainly that the Tolliver clan were to blame for the whole business, and that they were governed and directed by a master hand. It is not hard to guess who this master spirit was and is. If there is an honest man in the State who still believes in the purity and honesty of this man, we cannot see in what he bases his beliefs. We believe a majority of the people of this State have their eye on him. May he suffer the same torment he has made others suffer.

Courier Journal: The community has been terrorized and every effort of the law abiding citizens to restore order has been prevented by an infamous conspiracy. Under the forged orders, prisoners have been taken from the jail and hanged. A sheriff and his deputies refusing to obey the orders of a clan, have been slain or driven from the County. Magistrates have been eliminated and Judges have been intimidated. Juries have been packed and false witnesses procured, and as the climax of such a crime the County Attorney appears in open court the volunteer advocate of the gang, in its behalf striving to destroy the witnesses of the State, and avowing his active sympathy with their most lawless acts. Joined by the nominal representative of the State, when the Circuit Court is in session, he opposes with vehemence their alarm. And so powerful is this man that the court with all the facts before it, facts which with a courageous Judge would have led to the instant dismissal of the jury not in obedience to the orders of the clan, refused the motion of the Attorney General, and gave control of the grand jury to the gang of ruffians. A more open, a more shameless and humiliating proceeding has not been witnessed in any court house in the land.

Every effort to right these greivous wrongs has failed, but one thing has been accomplished. These men and their confederates have been exposed. The record now is read by all men. The accomplices and retainers of Craig Tolliver are known of all people of the State. Hypocrisy no longer abounds. Pressed by the prosecutions, these fellows disguised as upholders of the law have been forced to avow their sympathies, and all their cunning will avail them nothing in the future. A man who serves a lot of lawless desperadoes as Taylor Young has served the Tolliver gang can never again serve the State and for his abuse of his position he must not account to the outraged people of Kentucky.



The Rowan Investment: (Judge Cole will be Whitewashed and Rowan Abolished.)

The evidence before the Rowan Investigating Committee was concluded at Frankfort Friday and Honorable W. H. Wadsworth of Judge Cole's counsel, made a two hour argument before the Committee. The Courier Journal correspondent gives the following report of his speech: Mr. Wadsworth is a very graceful if not an artful orator: and he made a very interesting presentation of the facts from his standpoint. He began by saying that the bar of the Fourteenth Judicial district has been surprised to hear charges made against Judge A. E. Cole. The investigation just closing had been full and free, not confining itself to facts within the knowledge of the witnesses. Mr. Wadsworth said he did not think any man could have passed through the ordeal of sitting on the bench of the Rowan Circuit Court with so little blemish upon his official robe as Judge Cole. There was no complaint because Governor Buckner relying upon the reports of the Adjutant General and Captain McPherson saw fit to call the attention of the Legislature to the case. Judge Cole's friends were thankful that the charges had been made in such a form that they could answer. He then quoted from the Governor's message that portion which related to Rowan County affair. He then maintained that the ~~allegation~~ allegations so specially made had not been sustained. The reputed faction leader who controlled the Judge of Rowan Circuit Court had not been discovered. But it was manifest that the man referred to was Judge Zachary Taylor Young. It appeared to Mr. Wadsworth that people should adduce their proofs, or hold their tongues.

Mr. Wadsworth next observed: "If Zachary Taylor Young is the leader, in the language of that great newspaper (meaning the Courier Journal) that has sought through its correspondence to control this investigation, he should be abolished. This petty statement aimed at your obedient servant was wholly gratuitous as each member of the committee or any liberal minded man will testify. Mr. Wadsworth next ~~reverted~~ reverted to a review of the bloody deeds of Rowan, his prime purpose being an apology for Taylor Young and to show that Young had control of no faction nor had any Judge at his beck and call. He described the tragedies in their order and at times graphically. Occasionally he was quite severe in his reference to Boone Logan. If any man, he said, had been active in assisting the committee to find information to case a reproach upon Judge Cole that man had been Daniel Boone Logan. He has directed the minds of the committee. If he knew of any evidence he has brought it to light, and when a witness was necessary, he procured the witness.

But we have the testimony to show that the attitudes toward Judge Cole now is a complete revulsion of the opinions that have been heretofore expressed by him.

After this, Mr. Wadsworth confined himself more particularly to replying to the charges against Judge Cole, commenting at



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## CHAPTER I

Causes of Kentucky Feuds

Almost every mountain county in Kentucky has had<sup>1</sup> its feud. These may be brought on by a combination of (reasons) or apparently by a single cause. But underlying every one are deep-seated reasons that come from the social and economic conditions existing within the communities in which feuds occur. To an extent, every individual is a product of his environment. (It is necessary to understand mountain conditions in order to understand the cause of feuds,) since they are maintained by certain social factors as a building is supported by its framework. (Picture a vast region enclosed on the east by nearly impenetrable mountains, sparsely settled, with only beds of streams for roads, and obviously without modern means of communication, with few or no churches and schools, without level land except for narrow strips in the river bottoms, and range after range of heavily timbered hills, potentially rich but

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1. John Fox, Jr., Bluegrass and Rhododendron, page 39.



undeveloped. Such, in general, is the land of the blood feud. The region is peopled by an intelligent and sensitive race. They are especially resentful of personal wrongs and are prone to allow differences of opinion to become private injuries. In a broad sense, this is one of the causes of the feuds. In 1861 the majority of the mountaineers were loyal to the Union.) But there were those who favored the Southern side and from this difference the famous feuds of Kentucky began, since we can find no records of feuds prior to the Civil War.)

(The people of the mountains of Kentucky were strong for the Union. Those who owned few or no slaves thought little of the slavery question. These non-slave holders came into conflict with their neighbors in Central Kentucky and the bordering regions of Tennessee and Virginia.) In fact, the mountaineers of the Appalachian region were caught between the contending armies of the North and South. (Those in the Federal armies, and on their own part in many cases, began to exterminate the rebels in the region. Rebel sympathizers retaliated



by killing Federal soldiers. Thus, in this way, feuds grew out of the Civil War. After the war, relatives of the slain men sought to settle the old scores by killing others. In fact, they only added fuel to the fire and long-standing feuds broke out in many parts of the Mountains.) Only a very small part of the population was engaged at any time in these feuds. Ninety percent of the people, as a whole, condemned them. Doubtless, some of this feudal warfare is based upon individualism, which harks<sup>1</sup> back to the border wars of England and Scotland.

John Fox, Jr., observes that the Civil War was the chief cause of the feuds. When the war started, the river bottoms were settled, and the clans were formed. These numbered more slave holders among them than among other southern mountaineers. Therefore, they were more evenly divided against themselves. The war set them fighting. (When the strife ceased elsewhere, it simply kept on with them because they were

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1. Charles Kerr, History of Kentucky, page 1204



a fiercer race, and because the issue had become personal.<sup>1</sup>

The famous Martin-Tolliver feud in Rowan County came as a result of the bitter difference of the Civil War.<sup>2</sup>

(Personal loyalty to kinsmen was a cornerstone of the feud.<sup>3</sup> Even if kinsmen were not actively engaged in the fight, they are usually active in their sympathy with one side or the other. Blood was a stronger tie even than politics.<sup>4</sup> Since mountain people were fairly well confined to the communities in which they lived, they lacked a satisfactory social life, and there was close inter-marriage of families inhabiting one district.) In Breathitt County, an old Judge, whose family had been among the early settlers on Troublesome Creek, stated that in the district school near by there were ninety-six children, of whom all but five were related to him-

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1. John Fox, Jr., Bluegrass and Rhododendron, page 41
  2. Charles G. Mutzenberg, Kentucky's Famous Feuds and Tragedies, page 116.
  3. John Fox, Jr., op. cit., page 43
  4. Ibid., page 29.



self or to his wife.<sup>1</sup> One can travel for miles along the head streams of the Kentucky river and find the same names recurring in all the cabins along both its shores.<sup>2</sup>

(Big families were the rule in the mountains. Some had as high as twelve or fifteen children in them.) One Howard family in Breathitt County had twenty sons and several daughters.<sup>3</sup>

When Beach Hargis killed his father, Judge James Hargis, at Jackson, in 1908, a Cincinnati psychologist explained that the shooting of Judge Hargis by his son was the natural psychological outgrowth of his environment. The natural trend of the thought, said the psychologists, was toward action. When a person's mind was filled with murder and shootings, it was an easy thing for him to convert thoughts into acts. Liquor excesses had weakened young Hargis' power of

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1. Ellen Churchill Semple, "The Anglo-Saxons of the Kentucky Mountains," Geographical Journal, June, 1901, page 6.

2. Ibid., page 5.

3. O.O. Howard, "Feuds in the Cumberland Mountains," Independent, April 7, 1904, page 784.



self-restraint and immediately upon the slightest provocation, his father became his enemy and he shot him. It is difficult to trace the development of this thought in young Hargis' mind. He breathed murder in the very atmosphere from childhood, and for this reason the shooting seems to be the result of his mental and physical environment.<sup>1</sup>

The Washington Star made the following comment:

"The patricide is not beyond explanation. He (Beach Hargis) is only twenty-one years old and has been reared on blood. All his life he has heard the family name associated with feuds and assassinations. He must have been even at school dreaded a little himself ..... Growing up thus, with heredity playing its part, it is only necessary for him to reach the age of red liquor... to manifest all the worst qualities of his tribe and surroundings." 2

(Heredity played a great part in feud causes.

Mountain people felt strong responsibilities to their

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1. B.B. Breese, University of Cincinnati, The Lexington Leader, February 9, 1908.

2. The Lexington Leader, February 9, 1908.



families. The oldest sons felt it their duty to avenge the wrong done to one of their kindred. Widows of murdered feudists laid upon their sons the sacred obligation of killing the murderers of their father.<sup>1)</sup>

Mountaineers will not harm women or children but wives, sisters, and mothers will urge their men to deeds of feud violence. When the feud leader, Ed Callahan, was killed in 1912 he left an eleven year old son. Concerning this son, the Literary Digest said that:

"the future of the feud is in the hands of this boy who is in the hands of relentless destiny or fate, that something that has impelled from generation to generation old hate with long forgotten causes. He is so helpless before the driving force of the vendetta spirit. He must inherit the feud--just as he inherited the resemblance to his father or his religion or the politics of the Callahan clan, which is Democratic. 2

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1. Ellen Churchill Semple, op. cit., page 29

2. "Heir the Callahan Feud" The Literary Digest.  
February 1, 1913, Volume 46, page 256.



Mrs. Clifton Cross, the boy's sister, explained that mountain children get these feud hates early. They were helpless. They drew the feud spirit in with their breath.<sup>1</sup>

(Inefficient and corrupt county officials were also responsible for feuds even in the more progressive mountain counties.) Captain MacPherson declared that many of the murders during the Martin-Tolliver feud of Rowan County had been committed under the pretense of legal procedure. The grand jury had been composed for years of almost identically the same men. The judge of the circuit court was thought by many to be in sympathy with one faction, and the commonwealth's attorney was similarly implicated. These men boarded at the same house and ate at the same table with the leader of the Tolliver faction.<sup>2</sup>

(A weak-kneed and corrupt administration of justice permitted the continuation of this feud.)

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1. "Heir the Callahan Feud" The Literary Digest, February 1, 1913, Volume 46, page 256.
  2. The Kentucky Documents, No. 23, 1887.



The reign of terror, which lasted three years, could have been crushed in the beginning with an honest and determined effort to enforce the law.<sup>1</sup> (Many fouds arose from impotence of justice. This weakness often arose from shrewd manipulation of machinery of the law in interest of the law breaker. When the process of law which was supposed to protect peaceable citizens was juggled at elections a strong weapon was placed in the hands of the lawless, and there was little hope of wresting it from them, then the victims resorted to bloody resistance and armed force. That is why mountain political races for the local offices of sheriff, county judge, marshal, constable and jailer were so fiercely contested. Officers were able to pick a jury of kinsmen, or issue warrants against one's enemies, or unlock the jail door to let one escape, or kill a hated enemy while pretending to arrest him.<sup>2</sup>

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1. Lutzenberg, op. cit., page 111.

2. James W. Raine, The Land of the Saddle-bags, pages 145, 146.



Fox observed that mountain juries rarely convicted a man for a crime they, themselves, would commit under the same circumstances.) Trials in the Bluegrass have<sup>1</sup> helped most to break up feuds, because there a verdict of guilty is most likely, for the men of the Bluegrass jury are not trained in the mountain traditions of ineffective courts and the right to revenge a wrong personally. Friends of convicted mountaineers shoot men rather than let the law hang them.<sup>2</sup> (At a time when feuds were bitterest, Kentucky mountaineers had only<sup>3</sup> a rudimentary conception of sacredness of the law. The people felt justified in righting their wrongs personally because of frequent miscarriage of justice. The administration of the law was almost impossible in a feud case in the region where the case arose. It was next to impossible to convict a murderer in his own county, because the jury and often the witnesses were intimidated by the defendant's friends, and failed to return a verdict of guilty; or,

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1. Fox, op. cit., page 46.

2. Semple, op. cit., page 30.

3. Ibid.



if the murder was committed to avenge a real wrong, the mountain jurors felt themselves in sympathy with the criminal and acquitted him.<sup>1</sup>

The Investigating Committee of the Kentucky General Assembly reported that the Martin-Tolliver feud was due to the fact that the county officials, excepting a very few, were not only inefficient but corrupt, as well. There was a lack of a healthy public sentiment, and that part of the citizenship who desired law and order had so long been dominated by the criminal element that they were practically incapable of giving valuable assistance in maintaining the law. It was the Committee's opinion that those desiring law and order were not numerous enough to bring a reformation in Rowan County without outside help.<sup>2</sup> (The people were unduly tolerant of crime either because of intimidation, fear, long accustomed association with violence or from a lack of appreciation of law and

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1. Semple, op. cit., page 30.

2. Report on Rowan County Affairs, page 7.



order. Juries failed to convict. Cowardly murders were committed and no one was indicted for them even when it was generally known who the guilty persons were. From August, 1884, to 1887, Rowan County grand juries wasted their efforts on prosecution founded upon worthless evidence. Rowan County officials, in some cases, not only suppressed knowledge of murders but gave support in releasing criminals from the custody of the law. Officers forgot their duty to the Commonwealth and sought adverse criticism instead of shrinking from it. <sup>1</sup>

In Rowan County from August, 1884, to June 22, 1887 there were twenty murders, and sixteen persons wounded who did not die. During the entire period, there was only one conviction for murder, manslaughter or wounding. The man whose murderer was convicted was not connected with either faction.<sup>2</sup> This situation was typical of feud communities.

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1. Report on Rowan County Affairs, page 6.

2. Ibid., page 5.



The social and economic conditions which resulted from isolation in turn produced the moral code peculiar to mountain people.) Fox states that it is the feud that most sharply differentiates the Kentucky mountaineer from his fellows, and it is extreme isolation that made possible such a relic of barbarism. For the feud meant ignorance, shiftlessness, incredible lawlessness, a frightful low estimate of human life, the custom of ambush, and a class of cowardly assassins who could be hired to kill for a gun, a mule or a jug of moon-shine.<sup>1</sup>

Fox observed that isolation was a cause of feuds. Railroads and newspapers had their influence elsewhere but the Kentucky mountaineer was untouched by such advantages.<sup>2</sup> Railroads were only beginning to come into the Eastern Kentucky Mountains during the last twenty years of the Nineteenth Century,<sup>3</sup> and roads<sup>4</sup> were only dry stream beds. The people were not

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1. Fox, op. cit., page 40

2. Ibid., page 46

3. Ayres and Givens, Eastern Kentucky, page 20

4. Seiple, op. cit., page 3.



only separated from the currents of modern life, but they were separated from "near" neighbors.<sup>1</sup> Two families living on parallel creeks only a mile apart may be separated by a mountain, over whose shattered cliffs there is not even a path. (It is therefore impossible for the people to progress culturally with only the most primitive, inadequate methods of transportation and communication. A startling proportion of the people could not read or write.<sup>2</sup> Under these conditions, it is little wonder that the mountaineer developed that independence that manifested itself in personal violence upon his enemies.) For until 1850, Eastern Kentucky was a part of the largest area east of the Mississippi unpenetrated by railroads.<sup>3</sup> It is J. W. Raine's opinion that civilization is primarily dependent upon good roads, which are followed by the use of modern inventions. Civilizations arise upon the meeting place of ideas, and ideas do not meet unless those who think them get together.<sup>4</sup><sup>5</sup>

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1. Raine, op. cit., pages 163, 164.

2. Twelfth United States Census, Population, I, 961.

3. Ayres and Givens, op. cit., page 9.

4. Raine, op. cit., page 9.

5. Ibid.



The mountain people are the descendants of the German, English and Scotch-Irish, who constituted a large element in the population of the Colonies at the time of the American Revolution. The stream of immigration flowed from Western Pennsylvania down the Valley of Virginia to Carolina. There it turned westward through Tennessee and at Cumberland Gap poured into Kentucky. This stream was increased by Virginia English, Germans and French Huguenots from the Carolinas. After passing through the Gap settlers built homes along the numerous streams and valleys leading off from the Wilderness Road. Other mountain settlers came from the North by way of the Ohio River. The region drained by the North Fork of the Kentucky River and the Big Sandy River received settlers through Pound Gap, which was reached from the Big Sandy Trail and by the Ohio River route. Pound Gap offered access to the mountain

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1. Seample, op. cit., page 6.

2. Virginia McClure, The Settlement of the Kentucky Appalachian Highlands, (thesis, University of Kentucky Library) page 35.

3. Ibid., page 47.



region, and other accessible gaps must have been found and used by the pioneers. Entrance to the Big Sandy Valley was accomplished early. The upper Big Sandy, the Upper Kentucky, and the upper Cumberland regions were peopled before there was any movement from the Bluegrass to the Mountains.<sup>1</sup> Due to the isolation already noted, the civilization of these settlers remained at a status quo. This is a partial explanation of the mountaineer's customs. They became accustomed to ambush while fighting the Indians in the early days of settlement. Bushwhacking became common during the Civil War,<sup>2</sup> and guerrilla warfare of the struggle accustomed mountaineers to fighting in the bush. Semple observed that isolation not only prevented mountain settlers from progressing but forced them to resort to earlier usages which at the time of their coming were obsolescent.<sup>3</sup> This is one explanation of the feud for, being unable to have an efficient court of law

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1. Virginia McClure, op. cit., page 47

2. Fox, op. cit., pages 44, 45

3. Semple, op. cit., page 35



mountaineers were forced to protect themselves, just as they were forced to manufacture their hand mills for grinding corn, make their soap, gunpowder or furniture because there were no roads, manufactures or markets.<sup>1</sup> Howard observed that away from the railroad lines there were regions where the roads were too bad for wagons, and where the people travelled on horseback or muleback altogether.<sup>2</sup> It is his opinion that good roads and education would surely cure the feud spirit.<sup>3</sup>

(Religion is as honestly used in the Mountains to cloak deviltry as it ever was in the Medieval ages.)<sup>4</sup> Many a feud leader has served a term in the state penitentiary, and upon his release turned to preaching the gospel. One feud leader declared that the Lord was on his side because he had triumphed over his enemies many times and he got to be a better Christian every year.<sup>5</sup>

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1. Raine, op. cit., pages 80, 81.

2. Howard, op. cit., pages 784, 785.

3. Ibid., page 797.

4. Fox, op. cit., page 43.

5. Ibid., page 44.



A visitor once asked a mountaineer why he was hiding in the bushes with his rifle. The reply:

"Ride on, stranger, I'm awaiting fer Jim Johnson, and with the help of the Lawd, I'm a-goin' to blow his damn head off."<sup>1</sup>

(The feudist does not regard the killing of an enemy as a blot on his soul. The two are entirely separate. The mountaineer's moral principles are a direct product of his environment, and quite divorced from his religion, which is an imported factor in his life.)<sup>2</sup>

(Perhaps another cause is that of whiskey and politics. The two go hand in hand. Elections are always attended by much drinking. The Kentucky mountaineer takes his politics seriously and even now election day brings many deaths. Whiskey always performs its part in feud violence.)<sup>3</sup> Politics and whiskey were major causes of the Martin-Tolliver feud.<sup>4</sup> Regarding the same feud, the Investigating

- 
1. Fox, op. cit., page 44.
  2. Semple, op. cit., page 29.
  3. Howard, op. cit., page 786.
  4. Lutzenberg, op. cit., page 111.



Committee reported that during the feud, whiskey was sold in nearly every part of the county. Most of the saloons were unlicensed. This state of affairs dragged into crime and murder even those who were not originally in the feuds. The proof showed that crimes and murders were committed in the various precincts in proportion to the number of places where<sup>1</sup> whiskey was sold.

Revenue officers are feared by most mountaineers and these law enforcing agencies have had little success in suppressing the moonshine stills. Within a few miles of a railroad and within a radius of five miles there may be twenty or more illicit stills. Women whose husbands have been killed in the feuds often carry on still operations in order to support their families.<sup>2</sup> It is a well known fact that during the Hargis-Cockrell feud, practically all the male members of the Hargis family were addicted to the use of whiskey. (Politics, whiskey, heredity and environment are the very foundations of feuds.)

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1. Report on Rowan County Affairs, page 7.

2. Semple, op. cit., page 18.



Mountain people usually attempt to defend mountain conditions by saying that reports concerning them have exaggerated, but nothing has ever been said of the mountaineer's ignorance, shiftlessness and utter disregard for human life, especially in the Kentucky mountains, that does not have its basis, perhaps, in actual fact.<sup>1</sup>

(The Kentucky mountaineers are hospitable, generous and generally truthful. They prove to be fast friends and bitter enemies, are intelligent and extremely sensitive to personal wrongs. Educated mountaineers have a strong aversion to written records concerning feuds, and will defend the feudist by spirited and bitter attacks upon the criminal record of the Bluegrass and other regions.)

The world has looked in horror upon the recorded deeds of the Kentucky mountain feudist but to do him justice, he must be given the awful ordeal of a century of isolation and consequent ignorance in which to deteriorate. His loyalty to the Union in 1861

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1. Fox, op. cit., page 52.



was the transmitted loyalty of 1776. His estimate of law, duty and of human life is to be judged by that day and not this. His actions and personal characteristics are products of the conditions of his environment and must be judged accordingly.

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## CHAPTER II

The Martin-Tolliver Feud or  
the Rowan County War

This famous feud took place in the little town of Morehead, the county seat of Rowan County. Morehead had a population of one hundred and sixty-three in the year 1880.<sup>1</sup> Ten years later its population had increased to four hundred and ninety-one,<sup>2</sup> despite the feud which raged from 1884 to 1887. Rowan County had most of the elements that caused feuds. However, the county was not isolated for good roads and railroad communication had introduced a civilization that should have made the shameful conflict impossible; it certainly made it inexcusable.<sup>3</sup> The Governor tried to restore peace by the use of state troops to assist the county officials in enforcing the law, but the law was not enforced. The feud continued because the people allowed the guilty to escape punishment.

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1. Tenth United States Census, Population I, 393.
  2. Eleventh United States Census, Population I, 189.
  3. Mutzenberg, Charles, Kentucky's Famous Feuds and Tragedies, page 113.

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In this disgraceful struggle, the County brought upon itself the disrespect of the entire state; the name, Powan, became synonymous with outlawry; men of reputation, influence, and education were implicated; the courts appeared powerless; officers of the law allied with criminals; state troops were unable to restore the peace, and thus the feud culminated in the bloody battle of Morehead, June 22, 1887.

Rowan County was created in the year 1856,<sup>1</sup> and as a solution to the troubles arising from the Martin-Tolliver Feud, it was suggested that the Act of the Kentucky General Assembly establishing the County be<sup>2</sup> repealed.

No other feud in Kentucky has given so much<sup>3</sup> trouble to the state officials. The Governor sent troops to Morehead twice during the feud, but the disorder was renewed immediately when the troops were withdrawn. At one time the faction leaders signed a peace treaty in which they agreed to leave the state

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1. Lewis Collins, History of Kentucky, Volume II, page 692.

2. Report of Rowan County Affairs, page 8

3. Lewis F. Johnson, Famous Kentucky Tragedies and Trials, page 257.



forever, but this agreement was broken by Craig Tolliver. Had he kept his word, the Battle of Morehead might never have been fought. It seems that peace was impossible until the leaders of one side or the other had been exterminated.

The feud began on election day, August, 1884, and the viva voce system of voting, bribery, and whiskey had already added to the division in Rowan County politics which, like most Kentucky mountain counties, was an outgrowth of the bitter difference of opinion in the Civil War.<sup>1</sup> In the election Cook Humphrey, a young man of twenty-five years, was the Republican candidate for Sheriff of Rowan County. His opponent, Sam Goodan, ran on the Democratic ticket. Goodan lived in Morehead while Humphrey lived on his father's farm, about seven miles from Morehead. The county was usually Democratic but Humphrey won by a majority of twelve votes.<sup>2</sup> But on this election day a fight took place which started the trouble.

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1. Mutzenberg, op. cit., pages 119, 123.

2. Report on Rowan County Affairs, page 204.



It was a savage free-for-all affair and rocks as well as bullets flew thick and fast. William Trumbo and a man named Price had a quarrel which ended in a fist fight. During this melee John Martin was struck in the face, had one of his teeth knocked out and his head badly bruised. He afterwards said<sup>1</sup> that John Day and Floyd Tolliver knocked him down. When he regained his feet he drew his pistol. Others did the same and in the shooting which followed, Solomon Bradley, a middle-aged man with seven children, was killed and Ad Sizemore wounded, but not fatally, in the neck. These men were not allied with either side. It was never decided who killed Bradley. The Martins said John Day, sheriff at that time, killed him, while the Tollivers claimed that John Martin did it. Bradley, Martin and Sizemore were all Republicans.<sup>2</sup> No one was ever tried and convicted for Bradley's death. John Martin and Floyd Tolliver were both indicted, but these men

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1. Johnson, op. cit., page 259.

2. Report on Rowan County Affairs, page 231.



were both killed before they could be tried.<sup>1</sup> The factions now arrayed themselves against each other. Relatives of each family joined with their kindred, reinforcements came from Elliot and Carter Counties, and the Martin-Tolliver feud was on.

John Martin and his two brothers, Will and Dave, lived near their father, Ben Martin, a short distance from Morehead. Marion and Craig Tolliver lived in Morgan County, and Floyd lived in Rowan. Their cousins, Bud, Jay and Wiley Tolliver, lived in Elliot County. Other Rowan Democrats engaged in the feud were Mace Keaton, Jeff and Alvin Bowling, John Allen Day, John Day, Boone Day, Mitch Day, Jim Arksley, Bob Mesner and others.<sup>2</sup> The Martins were Republicans and supported Cook Humphrey, as did the Logans and Mat Carey, the County Clerk.

Martin soon recovered from his wounds of the election day fight and on December 2, 1884, met Floyd Tolliver in Judge Carey's saloon in Morehead. Both

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1. Report on Rowan County Affairs, page 194.

2. Johnson, op. cit., page 259.



were armed. It is said that they were both drunk.<sup>1</sup>  
Words passed between them until Tolliver drew his  
gun. Martin, however, was quicker and killed Tolli-  
ver.<sup>2</sup> Martin was arrested immediately by Sam  
Gooden and Tom Day and placed in the Morehead jail.  
Due to threats of lynching he was removed to the Win-  
chester jail in Clark County for safekeeping. On  
the night of December 9, about nine-thirty o'clock,  
three men came to the Winchester jail and demanded  
of Jailer James Ecton that he give up John Martin.  
Mr. Ecton was suspicious but could not refuse the  
prisoner, as the men had a requisition properly  
drawn up and signed by the magistrates who consigned  
Martin to jail. There was not time to inquire into  
the genuineness of the order as it was nearly train  
time, so Martin, against his wishes, accompanied  
the men to the depot. He met his wife there and they  
talked until train time at midnight. Mrs. Martin  
asked to be allowed to remain in the same car with  
her husband but this request was brutally refused.

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1. Lutzenberg, op. cit., page 126.

2. The Lexington Daily Press, December 10, 1884.



so she went into the next coach. Martin's half drunk-  
en guards spent the time talking and laughing. At  
Farmers, about seven miles west of Morehead, a mob  
boarded the train and took control, a party going  
into the engine and compelling the crew to remain quiet.  
A second group took care of Conductor Ragland and  
the brakeman, while the remainder entered the car where  
the prisoner was. Martin, realizing what was about  
to happen, attempted to rise, when the assassins,  
without words, emptied their shotguns and revolvers  
into the manacled and defenseless prisoner. His  
body was perforated by bullets and buckshot, the  
blood flowing from more than a dozen wounds in his  
head, chest and shoulders. Mrs. Martin, in the  
next car, heard the shots and rushed in to find her  
husband deserted by his guards and alone. The mob  
now left the train which continued to Morehead with  
its ghastly burden. Strange enough, Martin did not  
die immediately but lived for six hours in great  
agony. He died about nine o'clock on the morning  
of December 10.<sup>1</sup> No one was ever indicted for this

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1. The Lexington Daily Press, December 10, 1904.



murder,<sup>1</sup> but later it was discovered that Craig Tol-  
 liver played a major part in it, at least.<sup>2</sup> It was  
 made possible because the telegram instructing the  
 Winchester jailer to hold the prisoner arrived too  
 late.<sup>3</sup> Alvin Bowling was the man who took the  
 forged order of release to Winchester.<sup>4</sup> Several  
 weeks after Martin's death, Bowling told a newspaper  
 reporter that he had the order from Martin's friends  
 to bring him to Morehead where two hundred of them  
 were assembled to rescue him. Bowling said he did  
 not intervene when the mob killed Martin because had  
 he done so, he would have suffered the same fate.<sup>5</sup>

At this time, the legal machinery of Rowan County  
 was rotten. At the February term of court in 1885  
 men convicted of small crimes, such as carrying con-  
 cealed weapons, walked right out of court and were  
 not molested.<sup>6</sup> Dil Miller was one of these. He

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1. Report on Rowan County Affairs, page 33.

2. Ibid., page 239.

3. The Lexington Daily Press, December 10, 1884.

4. Ibid., March 4, 1885.

5. Ibid.

6. Report of Rowan County Affairs, page 278.



even stayed around for more than a month and all this time the Sheriff did not arrest him. Several others<sup>1</sup> followed his example.

On March 7, 1885, Z. T. Young was wounded in the shoulder while riding from Elliotsville to Morehead.<sup>2</sup> He was shot from ambush, evidently in retaliation for the murder of Martin, since the Martins claimed that he was a Tolliver adherent.<sup>3</sup> Young was a man of great ability and much superior to the average man of the factions. He was a lawyer of note and of good standing in the community.<sup>4</sup> Young denied any connection with either faction.<sup>5</sup> Some time after this, Ed Pierce was arrested in Greenup County and taken to jail in Owingsville, Bath County. While there he declared that the Martin crowd had hired Ben Rayborn and himself to kill Z. T. Young, Jeff and Alvin Bowling and six others. They were to receive fifty

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1. Report of Rowan County Affairs, page 278.
  2. The Lexington Daily Press, March 10, 1885.
  3. Johnson, op. cit., page 261.
  4. The Lexington Daily Press, March 10, 1885.
  5. Johnson, op. cit., page 261.



dollars for killing Young and twenty-five each for the others. He said they watched the road for Young and that Rayborn shot him. Young was not killed because his would-be assassin was blinded by the snow.<sup>1</sup>

The third man to die in the feud violence was Stewart Bungardner, a deputy sheriff for Cook Humphrey. He was killed March 16, from ambush, while riding along Christy Fork about five miles from Morehead. He died instantly since more than twenty-five buckshot lodged in his body.<sup>2</sup> Bungardner's remains were found literally torn to pieces. No one was ever indicted for his murder,<sup>3</sup> but the Martins charged the Tollivers with it. The poem included in the footnote below relates the story of the feud up to the death of Stewart Bungardner:<sup>4</sup>

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1. The Lexington Daily Press, May 29, 1885.

2. Ibid., March 17, 1885.

3. Report on Rowan County Affairs, page 196.

4. The Tolliver Song

It was in the month of August  
 All on election day,  
 Lest Martin he was wounded,  
 Some say by Johnny Day.



But Martin could not believe it,  
Or could not think it so,  
He thought it was Bud Tolliver  
That struck the fatal blow.

They wounded young Ad Simon,  
Although his life was saved;  
He seems to shun the grog shops  
Since he stood so near the grave.

They shot and killed Sol Bradley,  
A sober, innocent man,  
Left his wife and loving children  
To do the best they can.

Martin did recover,  
Some months had come and past;  
All in the town of Morehead,  
These two did meet at last.

Tolliver and a friend or two  
About the streets did walk;  
They seemed to be uneasy,  
With no one wished to talk.



They walked into Judge Carey's grocery<sup>1</sup>  
And stepped up to the bar;  
But little did he think, dear friends,  
He had met his fatal hour.

The sting of death was near him;  
Martin rushed in at the door;  
A few words passed between them,  
Concerning a row before.

People soon got frightened,  
Began to rush out of the room,  
When a ball from Martin's pistol  
Laid Tolliver in the tomb.

His friends then gathered 'round him,  
His wife to weep and wail;  
And Martin was arrested  
And placed in the County Jail.

He was put in jail at Rowan,  
There to remain a while  
In the hands of law and justice,  
To bravely stand his trial.

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1. Saloon.



The people talked of lynching him,  
At present though they failed;  
The prisoner's friends removed him,  
To Winchester jail.

Some persons forged an order  
Their names I do not know;  
The plan was soon agreed upon,  
For Martin they did go.

Martin seemed to be discouraged,  
He seemed to be in dread.  
"They have sought a plan to kill me",  
To the jailer Martin said.

They put the handcuffs on him,  
His heart was in distress;  
They hurried to the station,  
Got on the night express.

Along the line she lumbered,  
Just at her usual speed;  
There were only two in numbers  
To commit the awful deed.



Martin was in the smoking car,  
Accompanied by his wife;  
They did not want her present  
When they took her husband's life.

They stepped up to the prisoner  
With pistols in their hands;  
In death he soon was sinking,  
He died in iron bands.

His wife overheard the noise,  
Being in the smoking car;  
She cried, "O Lord! they've killed my husband",  
When she heard the pistol's fire.

The death of these two men  
Has caused great trouble of the land,  
Caused men to leave their families,  
And take the parting hand.

It has caused continual war,  
Which may never cease;  
I would to God that I could see  
Our land once more in peace.



They killed our Deputy Sheriff,  
Bumgardner was his name;  
They shot him from the bushes;  
After taking deliberate aim.

The death of his was dreadful,  
It may never be forgot;  
His body was pierced and torn  
With thirty-two buckshot.

I composed this song as a warning;  
Oh, beware, young man;  
Your pistols will cause you trouble,  
On this you may depend.

In the bottom of a whiskey glass  
A lurking devil dwells,  
Burns the breath of those who drink it,  
And sends their souls to Hell.<sup>1</sup>

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1. Josiah Combs, Folk Songs du Midi des Etas Unis, pages  
185-189.



About eight o'clock on the morning of April 1, following Bumgardner's death, J. C. Day and Jeff Bowling of the Tolliver faction were in the barroom of the Central Hotel, when Cook Humphrey and Ed Pierce entered with drawn revolvers. Bowling ordered them out, at the same time drawing his own revolver. Humphrey and Pierce left at once. Bowling and Day then went to the Cottage Hotel. They were followed by Pierce and Humphrey who had two revolvers each. A general gun battle followed, in which, however, no one was hurt. During the fight the Martins occupied the Gault House and the Tollivers the Cottage Hotel. The Sheriff of Rowan County telegraphed the Governor for troops, while both factions sent runners to call<sup>1</sup> in their friends.

The Martin faction then withdrew, leaving the Tollivers in possession of the town. The Governor sent a Commission headed by John B. Castleman to investigate the lawlessness in Rowan County. They were met at the station by armed Tollivers who treated them

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1. The Lexington Daily Press, April 2, 1885.



well.<sup>1</sup> This Commission induced the factions to agree to a truce, which was kept for a short time, then violated by both sides.

In the meantime, Judge Carey, County Clerk of Rowan; J. M. Carey, Deputy County Clerk; C. P. Terrill, Police Judge; Dr. C. D. Martin, and H. M. Logan, friends of the Martins, had gone to Lexington, saying they were forced to leave Rowan in order to save their lives.<sup>2</sup> Z. T. Young was also in Lexington at this time. He and H. M. Logan passed some bitter words between them.<sup>3</sup>

The peace treaty which the Commission had arranged was criticized by many people who maintained it showed weakness in the execution of the law.<sup>4</sup>

During the month of May and most of June 1885, the factions were restless and trouble was expected to break out at any time.<sup>5</sup> The Martins said in regard

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1. The Lexington Daily Press, April 4, 1885.

2. Ibid.

3. Ibid.

4. Ibid., April 22, 1885.

5. Ibid., May 30, 1885.



to Pierce's confession, that Pierce was unreliable and made the confession for a promise of acquittal of his crimes.<sup>1</sup> Meanwhile, Z. T. Young's watch dog<sup>2</sup> was poisoned and he was in daily fear for his life.

The peace was rudely broken on the 28th of June. At this time Craig Tolliver was Town Marshal of Morehead and claimed to have warrants for the arrest of Cook Humphrey and Ben Rayborn on the charge of attempting to assassinate Z. T. Young. At that time, Humphrey and Rayborn were staying at the Martin home, about three quarters of a mile from Morehead. The Tollivers surrounded the house at daylight, and saw Sue Martin and Rayborn come out and then go back into the house. Then the Tollivers went to the door and wanted to go in. The girls told them that there were no men there. They then started up the stairs and Humphrey shot Craig Tolliver in the face with a shotgun. The main charge struck the stock of Tolliver's gun and this saved his life. The outlaw rolled down the steps and was dragged out of further harm by members of his

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1. The Lexington Daily Press, May 30, 1885.

2. Ibid.



posse. Tolliver then got a horse and returned to Morehead for reinforcements. While he was in town, Sue Martin came to Morehead. She was arrested and placed in jail by Craig Tolliver. Tolliver's enlarged posse then returned to the attack at the Martin home. About four o'clock in the evening, Humphrey and Rayborn made a rush from the house and attempted to escape. Humphrey seemed to bear a charmed life for he escaped through a hail of Tolliver bullets<sup>1</sup> and buckshot. Rayborn, however, was killed. The brutal posse fired into the young man's body and robbed his pockets.<sup>2</sup> The Tollivers returned that night and burned the Martin home, forcing the women<sup>3</sup> to spend the night in the open under some trees. The Martins lost all their furniture and clothing when their home was destroyed by the posse under the Morehead Marshal.<sup>4</sup> Minnie Martin came to town to bring her sister, Sue, a dress, and was also arrested by Craig Tolliver. The girls were released the next

See p 46

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1. Report on Rowan County Affairs, pages 241, 242.
  2. Johnson, op. cit., pages 262, 263.
  3. Report on Rowan County Affairs, pages 241, 242.
  4. The Lexington Daily Press, June 30, 1885.



morning after promising that they would do nothing  
 to stir up the Martin faction.<sup>1</sup> That was a move  
 that only a cowardly bully would make. The Martin  
 girls had done no wrong, had seen a friend beneath  
 their roof murdered without legal sanction, had seen  
 their home and all their worldly goods consumed in  
 fire, had been arrested and imprisoned for no reason  
 save the will of Craig Tolliver, and now they must  
 promise to do or say nothing in retaliation! No  
 single event of the entire feud so clearly shows the  
 state of savagery and outlawry into which Rowan County  
 had sunk as does this promise exacted from the Martin  
 girls. Major McKee arrived in Morehead late on June  
 29, with state troops who took command. Sue Martin  
 stated in Mount Sterling, the day after her arrest,  
 that Craig Tolliver told her he had sworn to kill  
 Cook Humphrey. She further stated that Tolliver had  
 no warrant but only came to kill him.<sup>2</sup> This was  
 later revealed, for the posse members, Jeff Bowling,  
 Craig Tolliver, Robert Messer, T. A. Day, Mace Keaton  
 and others were charged with Rayborn's death and went

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1. The Lexington Daily Press, June 30, 1835.

2. Ibid.



through a typical Rowan trial in the summer of 1885.<sup>1</sup>  
 Attorney General Hardin said the proof showed that  
 the Tollivers went after Rayborn without a warrant,  
 and that one was issued after Rayborn was killed.<sup>2</sup>  
 County Judge Stewart was afraid to try the cases, so  
 they were tried before two magistrates who discharged  
 them.<sup>3</sup> The Tollivers had cheerfully submitted to  
 trial since the whole legal machinery was perverted  
 to their protection. It was as rotten as could be.<sup>4</sup>  
 The warrants had been sworn out by the Martin girls.  
 There was no sheriff to serve warrants and since the  
 Town Marshal was implicated in the crime, a special  
 man, named McKenzie, served in the capacity of sher-  
 iff.<sup>5</sup> Men were indicted at this court for such  
 offenses as carrying concealed weapons, Sabbath break-  
 ing and resisting an officer.<sup>6</sup> Nothing was done about  
 murder. The press considered the court a farce as

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1. The Lexington Daily Press, June 30, 1885.

2. Report on Rowan County Affairs, page 288.

3. Ibid., page 294.

4. Ibid., page 295.

5. Ibid., pages 288, 289.

6. The Lexington Daily Press, August 10, 1885.



far as solving troubles in the County,<sup>1</sup> and so it proved to be.

In July, John Martin's mother was arrested on the charge of trying to poison the family of Doctor R. L. Raine by attempting to sell his wife a dressed turkey in which poison was supposed to have been placed. Attorney General Hardin refused to prosecute her saying that he had not come to Morehead for the purpose of prosecuting women.<sup>2</sup> At the trial of Judge Cole, in 1888, Asher Caruth testified that the Louisville chemist, Doctor Barum, who examined the turkey, found no poison in it.<sup>3</sup>

The legal machinery was not only rotten but the general public attitude was shown by the press comments on the disposal of Rayborn's body. Rayborn lived in Carter County. He was staying with the Martins whose home was burned on the day Rayborn was killed. The next day after his death, Rayborn's body was taken to the court house where it lay in a pine box until it was removed the next day, June 30. The guards slept in

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1. The Lexington Daily Press, August 10, 1885.

2. Ibid., July 9, 1885.

3. Report on RowanCounty Affairs, page 261.



the court house with the body, with indifference and apparent enjoyment, despite the awful odor of rapid decomposition. The people viewed the situation with evident enjoyment, and showed little regard for the sickening affairs of the murder.<sup>1</sup> This is suggestive enough of the manners and surroundings of Morehead people during the summer of 1885.

On August 5, Laban Logan was fined five dollars for firing a pistol. He was supposed to be of the party that wanted the soldiers in Morehead to preserve peace. This showed that both sides had bad elements in them, and that neither was honest in professing to want the trouble stopped. The soldiers were constantly annoyed by shooting which occurred around the camp. It was evident that someone was trying to give as much trouble as possible. While the troops were at Morehead, the people did absolutely nothing toward<sup>2</sup> cooperating with the soldiers in preserving order. Logan had a clear case against him. His small fine<sup>3</sup> disgusted both soldiers and civilians.

*Troops  
were  
raised*

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1. The Lexington Daily Press, July 1, 1885.
  2. Ibid., August 6, 1885.
  3. Ibid.



During the latter part of July and the first of August, 1885, Craig Tolliver was in Cincinnati, Ohio, being tried for robbing his mother-in-law in Lockland,<sup>1</sup> Ohio, in 1881.

Several months later and in the next year, Whit Pelfrey was killed by Tom Goodan. The two men quarreled about the Martin and Tolliver fight. Goodan was a member of the Tolliver crowd. He was tried and acquitted in February, 1887.<sup>2</sup>

On July 2, 1886, hostilities flared up again because of a fight between Mat Carey of the Martin faction and Craig Tolliver. Howard Logan was drawn in on the side of Carey. The fight took place at the depot. Tolliver was drunk. He got out a pistol and ran Logan into Jim Webster's house, where Logan remained until some women took him out the back way. When Logan reached home, he sent for Cook Humphrey. Both sides now grouped their members and took up arms. Warrants were issued for the disturbers of the peace. Bill Ramey, the Sheriff, with his son and deputy, Henry,

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1. The Lexington Daily Press, July 1, 1885.

2. Report on Rowan County Affairs, page 244.



went to arrest Humphrey and a man named Bailey. Humphrey was arrested outside of Logan's store but did not want to give up his pistol until Tolliver was also arrested. During Humphrey's protest, they went inside Logan's store to arrest Bailey. A quarrel arose and Logan asked Ramey if he had a warrant for him. Ramey said he did not, so Logan then ordered all of the men to get out. Ramey refused to do so. Logan then attempted to shove Ramey out. The Sheriff drew his pistol then, and a general shooting occurred, in which Humphrey and young Logan joined Howard Logan in the attack on the Rameys, who finally ran. Young Logan was left severely wounded, and both officers had also been hit. No charge was made against the Rameys.<sup>1</sup> The Governor was telegraphed for troops.<sup>2</sup>

Between July 9 and July 24, the factions adopted a policy of watchful waiting. Craig Tolliver left town, and Howard Logan drove Sheriff Ramey away by threatening to kill him outright because of his wounded son.<sup>3</sup> Young Logan died on the morning of July 24,

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1. Report on Rowan County Affairs, pages 245, 246.

2. The Lexington Daily Press, July 7, 1886.

3. Ibid., July 9, 1886.



thereby increasing the bitterness.<sup>1</sup> Judge Cole called  
a special term of court for July.<sup>2</sup>

On July 26, Tolliver and Humphrey were indicted  
for breach of peace and for carrying concealed weapons.<sup>3</sup>  
Each man gave bond to the sum of five hundred dollars.  
Humphrey's bond was signed by Howard Logan and Billy  
Humphrey, Cook's father. Craig's bond was signed by  
Jim Ham, Field Ham and a man named Salyer. Humphrey's  
bond was good but Tolliver's was not a good one as  
none of the men who signed it were worth the face value  
of the bond.<sup>4</sup>

The cases were to be tried at the August Court by  
Special Commonwealth's Attorney, Asher Caruth. The  
legal machinery was as corrupt at this time as the  
year before. Caruth found the docket of Judge Cole's  
court a sham.<sup>5</sup> Craig Tolliver was charged with false  
arrest and imprisonment of Sue Martin. Cook Humphrey  
was charged with shooting Z. T. Young and with conspiracy.

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1. Lexington Daily Press, July 25, 1886.
  2. Ibid., July 13, 1886.
  3. Report on Rowan County Affairs, page 224.
  4. Ibid.
  5. Ibid., page 261.



The only proof in the case was that Humphrey had been heard to say that if John Martin was killed, Taylor Young would be killed; nobody saw him near the place where Young was wounded. Everything on the docket was for conspiracy, conspiring and confederating together. The case of attempted poisoning was also renewed against Mrs. Martin.<sup>1</sup> Caruth believed that, with that docket, it would have been impossible to secure a conviction of the feud leaders, but he realized that failure to convict would mean admitting the impotence of the court in enforcing the law.<sup>2</sup> He decided to try to solve the feud problem by bringing the two faction leaders together in agreeing to a second peace treaty. Caruth consulted the Governor and leading men of the State concerning the advisability of this plan, received their approval and proceeded to write the agreement which Humphrey and Tolliver both signed. Each agreed to leave Rowan County on or before Sunday, August 8, 1886. They were allowed to return in case of death in their immediate families, provided they left immediately after the funeral. In case they

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1. Report on Rowan County Affairs, page 261.

2. Ibid., page 252.



should remain, the charges against them would be re-docketed and the trials would proceed.<sup>1</sup> Cook Humphries kept his part of the agreement. He went to Memphis, Missouri, and never came back to Rowan County except for a short business trip. Tolliver stayed away for a few months and then returned to continue his career of crime.<sup>2</sup>

After the settlement of August, 1886, and while Tolliver was away, there were no violent outbreaks until the night of January 4, 1887. At that time, Mace Keaton was killed by an unknown person while Keaton was running to the Powers Hotel. Keaton had just had a quarrel with John Rogers, nephew of Z. T. Young, over John Martin's daughter. Keaton shot one of Rogers' fingers off. The slain man was known as a bad character even though he was a constable. Rogers had a good reputation.<sup>3</sup> Keaton did not actually belong to either faction but he was along when Rayborn was killed.

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1. Report of Rowan County Affairs, page 186.

2. The Lexington Daily Press, January 5, 1887.

3. Ibid.



On January 12, 1887, Howard Logan was shot from ambush near Morehead. He was the father of young Logan who died as a result of the shooting of July 2, 1885. Logan was not killed but he was severely wounded.<sup>1</sup> Some time later, John Keaton confessed to a Covington notary public, D. L. Conner, that Allie Young and Green Mannin offered him a hundred dollars if he would kill Howard Logan. He said that once Young offered to give him twelve boxes of beer and the rent of the Central Hotel for a year if he would shoot Logan.<sup>2</sup>

The next man killed after Mace Keaton was A. M. Witcher, a friend of the Tollivers. His death was not due to the Martins, for he was killed accidentally. Witcher was a partner of Jay Tolliver in the saloon business. They sold liquor without a license. A group of Tollivers were practicing in the saloon with pistols. Witcher was killed when a stray bullet struck him in the head. No one was ever indicted for killing him.<sup>3</sup>

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1. The Lexington Daily Press, January 14, 1887.

2. Report on Rowan County Affairs, page 213.

3. Ibid., page 197.



From February to June 22, 1887, the Tollivers terrorized Morehead. They shot into houses and drove a third of the people away from Morehead. Section men were even run away from their work on the railroad. Cal Tolliver knocked a Negro on the head with a revolver and scared others away. The Tollivers had run Jim Carey and several other citizens away from their homes. Some left to stay while others left to return to fight for the firesides from which they had been driven.<sup>1</sup> Craig Tolliver was elected Police Judge of Morehead without opposition, and he and his henchmen were in full control. Buck Mannin was made Town Marshal and Bud Tolliver was made a member of the town council.<sup>2</sup> Tolliver persecuted his enemies at will, arresting them for trivial, petty offenses. This high-handed rule ended in the murder of the Logan boys, and this event, like a mountain landslide, started the downfall of the Tolliver regime.

Dr. Henry Logan, Morgan McClurg and others had been indicted in February, 1887, for conspiring to kill

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1. Report on Rowan County Affairs, page 276.

2. Mitzenberg, op. cit., pages 158-159.

see  
p 55



Judge Cole and Z. T. Young. Judge Cole had committed the men to the Lexington jail. The prisoners were pardoned by the Governor on June 15, but after Logan's two sons were killed,<sup>1</sup> It is laughable how many men were indicted for conspiring to kill the Youngs and Judge Cole, but these men controlled the Rowan County court.

The Logan boys lived on the north fork of Triplitt's Creek east of Morehead. Jack was about eighteen years old, and Billy was a twenty-five year old consumptive who weighed less than a hundred pounds. Craig Tolliver, as Police Judge of Morehead, issued to the Town Marshal, Bunk Mannin, a warrant for the arrest of the Logan boys. It was sworn out by Hiram Cooper, one of Tolliver's henchmen.<sup>2</sup> The posse which included Deputy Sheriff George Hogg, Craig, Jay, Bud, Cal Tolliver, Hiram Cooper, and a son of Z. T. Young, was armed with Winchester rifles and breech loading shotguns. The boys lived in a double log cabin about two miles from Morehead. When the posse neared the house, they

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1. The Lexington Daily Press, June 16, 1887.

2. Ibid., June 24, 1887.



fired a fusillade into the structure. Jack Logan was in the yard feeding his horse. Upon noting the approach of the posse, he ran into the house, seized a gun, and fired into the crowd, wounding Mannin. The posse called upon the boys to come out, but they were unwilling to trust the Tollivers. The posse then set fire to the house and Billy Logan surrendered, after receiving a promise that their lives would be spared. The younger boy was still unwilling to surrender but was forced to do so or be burned alive. The whole party then started away from the house, members of the posse holding fast to the boys' arms. Fifty feet away, near the spring, the murderers suddenly opened fire upon the Logans, killing Billy first, then Jack. The bodies, horribly mutilated, were left lying where they fell. The posse then returned to Morehead, but not before Craig Tolliver had stopped them on a high hill, overlooking the town, and charged them to tell that the Logan boys had been killed while resisting arrest.<sup>1</sup> The next morning, Boone Logan,

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.



cousin of the dead boys, together with Hiram Pigman and Ap Perry, founded the mangled bodies and gave them decent burial.<sup>1</sup> The Tollivers declared that they were willing to stand trial provided they would be permitted to attend court with their Winchesters.<sup>2</sup> This absurd proposition was refused by Judge Stewart,<sup>3</sup> who declared that he would not hold a bogus trial. Bunk Mannin was indicted for the murder on August 12,<sup>4</sup> but only after the Tolliver rule was ended.

Up to this point, the men killed in the feud included Solomon Bradley,<sup>2</sup> Floyd Tolliver,<sup>3</sup> John Martin,<sup>4</sup> Stewart Bumgardner,<sup>5</sup> Ben Rayborn,<sup>6</sup> A. M. Witcher,<sup>7</sup> William Logan,<sup>8</sup> Wiley Tolliver,<sup>9</sup> Mace Keaton,<sup>10</sup> Jack Logan,<sup>11</sup> Billy Logan,<sup>12</sup> John Day,<sup>13</sup> Whit Pelfrey,<sup>14</sup> B. Caudle, and John Hughes.<sup>15</sup> The last man was not connected with either faction. His murderers were the only ones convicted and sent to the penitentiary during the

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.

2. Ibid.

3. Ibid.

4. Report on Rowan County Affairs, page 199.



1

entire time of the feud.

Up until now, Boone Logan had taken no part in the feud, but now he was determined to stamp out the Tolliver crowd. Daniel Boone Logan was a young lawyer, twenty-eight years old, six feet tall, of high character, great intelligence, and he possessed a pleasing personality. This was the man who led the fight of extermination on the Tollivers. He had been forced to leave Morehead a short time after the death of the Logan boys. But even then Tolliver loaded him with exasperating messages that they intended to rent out his house, and hire out his wife to make a living for herself and her two children.<sup>2</sup> Boone Logan now decided to retake his fire-side or die in the attempt. He went to Frankfort to request troops of Governor Knott, but this the Governor refused, pointing out the large sums of money that the state had already spent in Rowan without securing a conviction, and suggesting that the good people of Morehead take the matter in hand, and themselves suppress the outlawry.<sup>3</sup>

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1. Report on Rowan County Affairs, page 199.

2. Sam Hill's Report, Kentucky Documents, No. 23, 1887.

3. Ibid.



Thus advised, Logan went to Cincinnati, bought several hundred dollars worth of guns, plus sufficient ammunition and shipped them to Morehead.

Logan formed his organization of the best citizens of the county, without regard to political affiliations. It also included good men from other counties.<sup>1</sup> Warrants were procured from the County Judge for the arrest of Craig, Jay, Bud, Cal Tolliver, Bunk Mannin, Jim Mannin, John Rogers, Hiram Cooper,<sup>2</sup> Boone Day, Bill Day, Tom Day, and Sam Gooden.

These warrants were placed in the hands of Sheriff Hogg, though Boone Logan expected little aid from the Sheriff, but the posse was determined to enlist the law's aid as much as possible. Wednesday morning at ten o'clock, June 22, 1867, was the time designated for the arrest of the Tollivers. Members of the posse agreed to wear no hats in order that they might recognize each other. Early on the morning of the 22nd, nearly a hundred men stationed themselves at vantage points around Morehead. In their hands were loaded

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1. Sam Hill's Report, Kentucky Documents, No. 23, 1867.

2. Johnson, op. cit., page 267.



rifles, in their hearts a grim determination to end  
Tolliver rule.

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## CHAPTER III

The Battle of MoreheadJune 22, 1887

Craig Tolliver was apprehensive of attack but he felt secure for his forces were well armed. They gathered at the American House. Sheriff Hogg failed to demand the surrender of the Tollivers and remained outside of the town until the battle was over. The shooting began prematurely when, about eight-thirty on the morning of June 22, a boy by the name of Bryant was sent to Pighan's store for information concerning the Tollivers' movements. As he was returning, he was seen and fired upon by Craig and Jay Tolliver, who ran down Railroad Street. Bryant ran and succeeded in making his escape. As the two Tollivers were retracing their steps, Boone Logan opened fire on them. The men who were with him immediately deserted, but he kept shooting until the Tollivers were forced into the American House for ammunition. Bud, Andy, Cal, Cate, Cooper and others were already there. All of these now made for the Central Hotel. Craig and Andy cut

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through alleys and reached it first. The rest, under constant fire, went down Railroad Street. At the drug store, Bud Madden of the posse was wounded. Bud Tolliver was shot in the thigh. Cal and Cate, who were mere boys, hid him in the weeds behind Johnson's store. All of the Tollivers joined at the Central Hotel. Hiram Cooper was shot after going into the street. He retreated to an upstairs wardrobe and in this place of fancied security was shot again.

Boone Logan told the Tollivers if they would surrender they would not be hurt. Mrs. Mannin was standing in the door of the Central Hotel and delivered the same message to the Tollivers. She left the building, leading fifteen year old Cate, who was disarmed and protected. The posse now resorted to the methods used by Tolliver and set fire to the Hotel. Jay ran out the back way but, after having run fifty feet, was shot three times. Craig and Andy came out on the south side. Andy was wounded twice but made his escape. Craig ran down the lane from the Central Hotel to the railroad tracks. At the corner drug store he was fired upon by Pigman, Perry, and three others. He went a



little beyond the corner, fell, arose, and ran further, only to fall again. Once more he arose and ran to the switch where he fell riddled with bullets and buck-shot.<sup>1</sup> Blood poured from wounds in the back and on each side of his chest.<sup>2</sup> Before he died, he removed his boots, being resolved not to die with them on. After the fight, members of the posse hunted down and dispatched the wounded Tollivers.<sup>3</sup> George Craycraft was an unprincipled man who killed Jay Tolliver after he was down. Craycraft went up to get Tolliver's pistol. The wounded man stirred a bit, and Craycraft jumped back and shot him three times.<sup>4</sup> Other members of the posse found Bud Tolliver lying wounded behind the store and blew out his brains by placing a pistol against his head, pulling the trigger, and killing him instantly. After this, Craig's saloon was raided and the American Hotel robbed.<sup>5</sup> Of course, Boone Logan and the majority of the posse did not approve of this robbing and killing of the wounded, but there were

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.
  2. The Lexington Daily Press, June 24, 1887.
  3. MacPherson's Report, Kentucky Documents, No. 23, 1887.
  4. Report on Rowan County Affairs, page 208.
  5. MacPherson's Report, Kentucky Documents, No. 23, 1887.



unprincipled men who could not be restrained. The firing was continuous for the two hours the fight lasted. Over 1500 shots were fired. After the battle,<sup>1</sup> there was great rejoicing among the victors.

Young Cal Tolliver, who showed great bravery in this fight, was wounded but escaped by hiding under a house. The next day the imprint of the boy's body could be seen in the dust. Though wounded and in agony, he did not reveal his hiding place, managing to escape after dark. Andy Tolliver was arrested about a week after the fight. He died at Elliottsville<sup>2</sup> while a guard was taking him to Morehead.

On the 24th, Allie Young was arrested in Mount<sup>3</sup> Sterling. Immediately after the battle, the dead were carried to the depot, where they were viewed by<sup>4</sup> a large crowd, all anxious to see the last of them. Later, the bodies were taken to Tolliver's residence where they lay side by side in a pool of blood and<sup>5</sup> brains. The following order was received in Lexington:

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.
  2. The Lexington Daily Press, June 29, 1887.
  3. Ibid., June 25, 1887.
  4. Ibid., June 23, 1887.
  5. Ibid.



Morehead, June 22, 1887

L. and G. Straus:

Send four coffins -- two six feet four inches long and two six feet six inches long; also four suits of clothes.

1

William Hodgkin.

2

Craig Tolliver's widow paid for all of the coffins.

Upon Craig's casket was the simple inscription, "Rest

3

in Peace." The four slain men were buried June 24

near Elliottsville. Only a few attended the burial,

and there were no religious ceremonies, since there

4

was no one at hand competent to conduct them. Most

of the people of Morehead were glad to see the funeral

group leave the town.

After the battle of June 22, a group calling it-

self the Law and Order League took control. A meet-

ing was called in the Court House, and Boone Logan,

D. M. Dillon and J. M. Brain assured the people that

5

an organization was formed to protect good citizens.

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1. The Lexington Daily Press, June 23, 1887.

2. Ibid., June 24, 1887.

3. Ibid., June 23, 1887.

4. Ibid., June 24, 1887.

5. Ibid.



Troops arrived in Morehead on August 1, 1887.<sup>1</sup>

In regard to the events of June 22, Boone Logan declared that the posse acted under the authority of the law, and in accord with the expressed wish of Governor Knott. He said it was their intention to maintain peace in Rowan County. They would use force if arbitration proved impossible. He stated that the posse had done a service to Rowan County, Morehead, and the state.<sup>2</sup> Logan later moved to Pineville where he practiced law for many years.

Some twelve or fourteen members of the posse of June 22 were indicted. Among these were Hiram Pignan and Ap Perry. These last two were prosecuted by Z. T. Young, Allie Young, and two other lawyers. They were acquitted by a Fleming County jury of high class, intelligent men. The Youngs were also tried and acquitted by the same jury.<sup>3</sup> Boone Logan was never indicted for the events of June 22. Bunk Mannin was also tried and acquitted by the Fleming jury.<sup>4</sup>

It seems that those men of the jury considered the

- 
1. MacPherson's Report, Kentucky Documents, No. 23, 1887.
  2. The Lexington Daily Press, June 24, 1887.
  3. Report on Rowan County Affairs, pages 254, 255.
  4. Ibid., page 255.



work of the posse of June 22 good, and thought it best to wipe the slate clean, letting things past remain in the past.

Peace had come to Morehead to stay. Shortly after the death of the Tollivers, the young people of the town held a social, which was the first event of its kind<sup>1</sup> that had occurred in the little town for many years.

Craig Tolliver at the time of his death was about thirty-five years old. His well proportioned body was six feet tall, and weighed over two hundred pounds. Tolliver had dark eyes, shaggy eyebrows and a heavy mustache. His hair and beard were dark brown. The man's disposition was that of a bully and he liked to be known as a "tough man". He was a dead shot; would draw upon the least provocation, and was intelligent, as well as cunning. Tolliver had a good face; it was not brutal. His manners were mild so long as he was not aroused.<sup>2</sup> The famous Feudist was poorly educated.<sup>3</sup>

One more incident of this feud deserves mention. Z. T. Young, who was regarded by many as a Tolliver

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1. Sam Hill's Report, Kentucky Documents, No. 23, 1887.

2. The Lexington Morning Transcript, June 24, 1887.

3. Johnson, op. cit., pages 270, 271.



sympathizer, was observed holding whispered consultation with Tolliver partisans on September 10. Following the events of June 22, in the afternoon, Young, with several companions, left Morehead. The next afternoon's train brought a box of Springfield rifles and a thousand rounds of ammunition to Morehead. The box was addressed to "A. J. White, Deputy Sheriff." On the express tag was, "Z. T. Young, Mount Sterling, Kentucky." This last was marked through with a blue pencil. Judge Cole ordered the soldiers to seize these guns and to search Morehead homes for arms, since it was rumored that Tolliver partisans were intending to attack the "Law and Order" party.<sup>1</sup>

The search was made and the guns taken, but the private arms were later restored upon an order from the Acting Adjutant General at Frankfort. This same order directed the commanding officer at Morehead to bring to Frankfort the Springfield rifles and ammunition captured at Morehead.<sup>2</sup> After this order from Frankfort had been given, Judge Cole ordered the box

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1. MacPherson's Report, Kentucky Documents, No. 25, 1897.

2. Ibid.



of Springfield rifles and the ammunition to be delivered to Squire Hogg, Sheriff of Rowan County, to arm a posse of citizens to make an arrest. This order was refused because of the Governor's order concerning the guns and because, as MacPherson said, it would have been to accord one faction a privilege denied to the other--that is, to be armed.<sup>1</sup>

Deputy Sheriffs Andy White and George Hogg made threats regarding the removal of the guns from Morehead, but the soldiers were not disturbed as they loaded them on the train. At Mount Sterling, a deputy sheriff and his assistants tried to secure the guns. They presented an order from the Montgomery Circuit Court in a suit filed the same day against MacPherson by Z. T. Young and Jerry Wilson. The soldiers explained the absurdity of any sheriff, with any posse, preventing the execution of the Governor's orders. The train started then, carrying one of the deputies along as an involuntary passenger. He was well treated. The guns and ammunition were delivered to the Governor at Frankfort, and the entire command was returned to

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1. MacPherson's Report, Kentucky Documents, No. 23, 1887.



1

Louisville the same evening.

Today, fifty-three years after the famous Battle of Morehead, the feud is a matter of history. It belongs to the historian's field of research. Many of the young people of Rowan County know nothing of it, and only elderly citizens recall its events. Morehead now points with pride to its thriving business section, its churches and the stately buildings of Morehead State Teachers College, but in the autumn of 1897, people were grateful that the reign of terror was ended, and that once more they could live normal lives.

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1. MacPherson's Report, Kentucky Documents, No. 23, 1897.



# BALLAD OF THE ROWAN COUNTY WAR

## I

It was in the month of August, upon Election Day,  
John Martin he was wounded, they say by Johnny Day.  
Martin could not believe it, he could not think it so,  
He thought it was Floyd Tolliver, that struck the fatal blow.

## II

They shot and killed Sol Bradley, a sober innocent man,  
He left his wife and loving children, to do the best they can.  
They wounded young Al Sizemore, although his life was saved,  
He seemed to shun the \_\_\_\_\_, since he stood so  
near the grave.

## III

Martin did recover, some months had come and past,  
In the town of Morehead, those men both met at last.  
Tolliver and a friend or two, about the street did walk,  
He seemed to be uneasy, and no one wished to talk.

## IV

He walked in Judge Carey's grocery, and stepped up to the bar,  
But little did he think, dear friends, that he met the fatal hour.  
The sting of death was near him, Martin rushed in at the door,  
A few words passed between them, concerning a row before.

## V

The people soon were frightened, began to rush out of the room,  
A ball from Martin's pistol, laid Tolliver in the tomb.  
His friends soon gathered around him, his wife to weep and wail,  
Martin was arrested and soon confined in jail.

## VI

He was put in jail at Rowan, there to remain awhile,  
In the hands of law and justice, to bravely stand his trial.  
The people all talked of lynching him, at present though they failed  
The prisoner's friends soon moved him, into Winchester jail.

## VII

Some persons forged an order, their names I do not know,  
Their plan was soon agreed upon, for Martin they did go.  
Martin seemed discouraged, he seemed to be in dread,  
They have sought a plan to kill me, to the jailer Martin said.

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## VIII

Martin was in the smoking car, accompanied by his wife,  
They did not want her present, when they took her husband's life.  
When they arrived at Farmers, they had no time to lose,  
A band approached the engineer, and bid him not to move.

## IX

They stepped up to the prisoner, with pistols in their hands,  
In death he soon was sinking, he died in iron bands.  
His wife soon heard the horrid sounds, she was in another car,  
Oh, Lord, they have killed him, when she heard the pistol fire.

## X

They killed the deputy sheriff, Bungarner was his name,  
They shot him from the bushes, after taking deliberate aim.  
The death of him was dreadful, it may never be forgot,  
His body pierced and torn, with thirty-three buck shots.

## XI

I compose this as a warning, Oh, beware you young men,  
Your pistols may cause trouble, on this you may depend.  
In the bottom of a whiskey glass, the lurking devil dwells,  
It burns the breast of those who drink it, and sends their  
souls to hell.

808-704-1418  
Middletown, KY 40061  
808 W. 8th St.  
Middletown, KY



## The Tolliver-Martin or Logan Feud

One June 22, 1887, the battle was fought which settled for all time the controversy between the Tolliver faction and the Martin or Logan faction in Rowan County. No other feud in Kentucky has given the State so much trouble. The Governor sent the military army of the government to Morehead on several occasions; so long as the company of soldiers remained there was quietness, but immediately upon its withdrawal the trouble between them was renewed. Governor J. Procter Knott did everything he could to settle the feud but all efforts failed. At one time he sent the Attorney General, P. Watt Hardin, to prosecute the cases which were tried before a special judge. All that General Hardin succeeded in doing, was to get some of the Tollivers indicted for carrying concealed weapons.

The Governor succeeded one time in having a treaty of peace signed by the leaders of the factions in which they swore they would keep peace for all time in which they actually did keep peace for nearly a year. This peace was terminated by the fight in which young Will Logan was killed. After this, Cook Humphrey and Grag Tolliver agreed to leave the state forever, and this agreement was kept for about four months.

During the session of the Kentucky legislature in the year of 1887, there was a joint resolution passed by the general assembly, for the purpose of investigating the troubles in Rowan County.

The joint committee from Senate and House, appointed pursuant to this resolution, make its report through Hon. John K Hendricks, Chairman, of March 6, 1888. This report was as follows: "Your committee finds from the evidence that the feud and lawlessness commenced in August 1884 and grew out of the election of W. Cook Humphreys as Sheriff of the County. On the day of The August election, Soloman Bradley was killed in a street fight and disputes arose as to whether Floyd Tolliver or John Martin did the killing. Bradley was a Republican and a friend and a partisan of said Humphrey and from the date of that killing and for some months afterwards the feuds partook of political nature. Cook Humphrey and his followers repre-

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republican faction and Crag Tolliver and his followers a Democratic faction.

"On December 2, 1884, Floyd Tolliver was killed in a bar room difficulty by John Martin, Martin at the time being a member of the Humphrey faction.

On December 10, following, John Martin was assassinated at Farmers, in Rowan County, while in charge of the officers of law under a forged order to bring him from the Winchester jail in Clark County to Morehead to stand his examining trial.

"From that time forward, open murders and secret assassinations followed in quick succession until June 22, 1887, when the principal leaders of one faction of the marauders and murders were killed in an attempt to arrest the ? ? ?

"From August 1884 to June 2, 1887, there were 20 murders and assassinations in the county, and 16 persons wounded who did not die, and all this in a county whose voting population did not at any time exceed 1100, and during this period there was not a single conviction of murder, manslaughter, or wound, except for the killing of one Hughes who was not identified with either faction".

In the year 1884, Cook Humphrey, a young man of 25 and a Republican, and Sam Gooden, a Democrat, were candidates for Sheriff of Rowan County, which county was ordinarily Democratic. The contest was very bitter, Gooden lived in Morehead while Humphrey lived on his father's farm about seven miles from town. Humphrey was elected by a majority of 12 votes. On election day a man by the name of William Trumbo and a man by the name of Price, quarreled, this quarrel ended in a first fight; while the fight was in progress John, a son of Ben Martin, a well to do farmer was struck in the face with a heavy instrument and one of his teeth knocked out and his head badly bruised. He agreed afterwards that John Day and Floyd Tolliver struck him and knocked him down; when he got up he drew his pistol and the other men also drew their pistols; in the battle which followed, Solomon Bradley, a middle aged man with seven children, who was standing near was shot through the head with two bullets and killed him. The Martins claimed that John Day killed him and the Tollivers claimed that John Martin did it. Ad Scyremore, another man who was not connected with the trouble was shot in the neck but not fatally wounded. It never was decided

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who did the shooting. From this killing the Tolliver-Martin feud originated, the relatives of each family allied themselves to their kindred until almost the entire county was involved. Reinforcements from Elliott and Carter counties.

One man Martin, who resided a short distance from Morehead had several sons: John, Will, and Dave who resided near him. There were also several Tollivers: Marion and Craig at the time lived in Morgan county and Floyd lived in Rowan, Bud, Jay, and Wiley Tolliver were their cousins and they lived in Elliott Mace Keeton, Jeff and Alvin Bowling, Tom Allen Day, John Day, Mitch Day, Jim Arksley, Bob Messer and others who were engaged in the feud were Democrats and lived in Rowan. The Martins were Republicans and were friends and supporters of Cook Humpfrey. The Logans were also Republicans and friends of Humpfrey. Matt Carey, the county clerk, was also a Republican. All of these parties resented the death of Solomon Bradley.

In December, following the election, John Martin went to Morehead where he met John Day, Sam Gordon, and Floyd Tolliver. Tolliver went up to Martin and said: "John, you have been waiting to bulldoze me, but I am not going to permit it." Martin said: "I have not tried to bulldoze you, Floyd." Tolliver said: Tolliver said: "Yes, by God you have and I am not going to permit it, I want you to understand." Martin left him and went into the barroom of the hotel, then he called the Galt House, and tolliver followed him; on the inside Tolliver repeated his threats and at the same time he put his hand inside his pocket. Martin then said: "If you have to have a fight, then I am ready for you." Both of them drew their pistols at the same time but Martin fired first and Tolliver fell Mortally wounded. His friends rushed to his assistance and Tolliver said to them: "Boys you said you would kill him and you must keep your work." Immediately after the killing, Martin gave himself up to lawful authorities. The members of the Tolliver faction were greatly enraged at the death of Floyd, and Martin was hurried off to Winchester to prevent a mob from hanging him. He had been there six days when five men arrived with an order signed by proper authorities commanding the retur of Martin to the jail at Morehead. It was claimed by the Martins that these five men were

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Alvi Bowling, Edward and Milt Evans, and two other men named Hall and Eastman. The order they had was forged. The failor gave Martin to them although he prayed to the jailer not to do so. Martin's wife was in Winchester and she went back to Morehead on the same train which took her husband but she did not know at the time that he was on the train. When they reached Farmers, a small town a few miles from Morehead, the train was boarded by a large body of masked men. Martin was handcuffed and perfectly helpless. The mob filled him with lead, and no one was ever arrested of the crime.

The third victim was also a Martin man and a depty of the Sheriff, Cook Humpfrey. His name was Stewart Bungardner. He was a native of Elliott County, but he had lived a few years in Rowan. In March 1885, he was riding along the public road about six miles from Morehead, when he was shot from ambush and killed, and the names of the assassins were never known. When the body was examined it was found torn to pieces, several charges of buck shot had been fired into the chest and neck and numerous bullet holes were found in other parts of the body. The Martins charged the Tollivers with the murder, but no arrests were made. In the following month, Taylor Young, the county attorney of Rowan County, the father of Allie Young, who was afterwards Circuit Judge and of William Young who was later Circuit Judge of the same judical district was shot from ambush and severly wounded. Young was a man of more than ordinarily ability and much superior to the other men recoghized as members of the different factions. He was a lawyer of ability and of good standing in the community. He disclaimed any connection with either the Tolliver or the Martin faction, but the Martins thought that he was a Tolliver adherent.

Some time the bullet was fired into Taylor Young's shoulder. Ed Pierce was arrested in Montgomery county on charge of highway robbery. He was tried in the Montgomery Circuit Court and sentenced to seven years in the penitentiary. While he was in the Montgomery county jail, Pierce confessed that he and Ben Raybourn ambushed Young but he claimed that Cook Humpfrey had promised them two dollars a day and all the whiskey they wanted while watching for Young, and two hundred and fifty dollars when they killed him.

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The forth man killed was another deputy of Cook Humpfrey. He was a visitor at the Martin home. The Martin home was a substantial two story building, the front of which was frame and the balance of logs; it stood about thirty feet from the road and about seventy-five feet from the C. & O. Railroad. There was a steep hill back of the house which was covered with trees and undergrowth.

Mrs. Martin said, "Craig Tolliver and his gang came to my house early in the morning after Cook Humpfrey and Ben Raybourn. At that time there was no one living at my house except women. Besides myself there were my two grown daughters, Susan and Annie, my little daughter Rena, also my married daughter, Mrs. Tusser, was at my house the day Raybourn was killed. My husband had gone to Kansas. He had received several warnings that he would be killed if he didn't go and we women folks persuaded him to leave although he did not want to do so. My two sons, Will and Dave, had also been threatened and they too had also gone to Kansas. It was Sunday when the Tollivers came. Cook Humpfrey and Ben Raybourn were at my house. They spent the night there. Cook was always in the habit of coming to our house and the children treated him like a brother. The Tollivers found out that they were there because the night before Humpfrey was afraid that they might want to kill him and he slipped back to Morehead after his Winchester which he had left there. They saw him and the next day they came after him. They know that there was somebody with him but they did not find out it was Raybourn until after they had killed him. They hid in the bushes around the house. In the party was Craig Tolliver, Mark Keeton, Jeff Bowling, Tom Allen Day, John Day, Boone Day, Mich and Jim Ashby, Bob Messer, and others whose names I did not know. Tolliver was town marshall of Morehead at that time and he claimed he had warrants for the arrest of Humpfrey and Raybourn on the charge of attempting to assassinate Taylor Young, but they did not have any warrants. The Tollivers came in the yard and demanded that Humpfrey and Raybourn surrender; they asked them to show their warrants but they could not and so they refused to surrender. The Tollivers hid all around the house and began to shoot. Raybourn had no arms except a pistol. Humpfrey had a Winchester rifle and a shot gun. The Tollivers were armed with shotguns and rifles. Craig Tolliver slipped into the yard and got into the house. He was creeping up the stairway

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when Humpfrey discovered his presence and seized a shotgun and discharged into his face. Tolliver fell back down the steps and his friends rushed in, grasped him by the legs and dragged him out of danger. He was carried away and took no further active part in the seige. He was badly scarred by the load of the shot but quickly recovered. The half-grown boy was at work in the field. He approached the house and two shots were fired at him. The news of the affair was taken to Morehead, but no one dared to go the relief. Sue Martin made her escape out of the house. She was met by Craig Tolliver with his face covered with blood. He threatened to kill her if she dared to go to Morehead. She made a dash through the bushes and Tolliver fired two shots at her, but she escaped and hid in a ditch until nearly dark when she went to town where she was arrested and put in jail. In the afternoon, the Tollivers threatened to set the house on fire if the two men didn't surrender. About four o'clock, Raybourn made an attempt to run for the bushes. Several hundred shots had by that time been fired. Mrs. Martin attempted to assist him; she went to the stable where Tom Allen Day, one of the best marksman was ambushed and when he prepared to shoot at the fleeting man she knocked up his gun. The two men rushed out of the eastern door, leaped the yard fence and dashed across the cornfield toward the mountain and forest. The entire Tolliver band rushed after them, firing as they went. They rested their guns on the yard fence took good aim. The Fugitives were over a hundred yards off when one of them fell. It was Raybourn. Humpfrey escaped into the bushes and hid. The pursuers knew that he was armed with a Winchester and were afraid to follow. When the Tollivers reached Raybourn's body they fired several more shots into it; then they robbed him and divided the money. After taking the money, they went back to the house and left the body where it fell. They remained around the house until after dark and Mrs. Martin said they set fire to it. She put out the blaze but they fired it again and it consumed the house and all the furniture. The women ran from the house and all of them except one spent the night under a tree. The daughter went to Morehead where she was arrested and put in jail with her other sister.

The next night, Major Lewis McKee and one hundred and fifty soldiers arrived at Morehead; The Martin girls were released; there were no charges against them.

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The Tollivers and Days were arrested and had an examining trial before two magistrates. The magistrates disagreed and the defendants were released.

The Tollivers claimed they had warrants for the arrest of Humpfrey and Raybourn and that they had a right to use as much force as was necessary to arrest them.

In a few months after that Jeff and Alvin Bowling, two of the prominent participants in these tragedies were tried in other courts. Jeff Bowling killed his father-in-law in Ohio and he was hanged in the following August. His brother, Alvin, killed town Marshall Gill in Mt. Sterling and he was sent to the penitentiary for twenty-one years.

After the soldiers were returned from Morehead, Cook Humpfrey Howard Logan, Mat Carey, and two or three others of their friends were besieged in the Galt House in Morehead and several dozen shots were fired, but no one was hurt. The doors to the hotel were riddled with bullets and the windows were shot out. After this, Craig Tolliver and Cook Humpfrey signed an agreement to leave Rowan County and to never return. In about four months after that Tolliver returned but everything remained very quiet for several months and when the time came to elect a police judge of Morehead, Craig said that he was now a peaceable man and a good citizen and that the people ought to encourage him in his good behavior by electing him police judge of Morehead and he thereupon became a candidate for that position and he went canvassing for votes with a Winchester rifle and in a short while there after all the other candidates withdrew. At the election, Craig received fifty votes and he was duly declared elected. On the day of the election, Tolliver was a standing near the voting place when Boone Logan came up to vote; the officer of the election asked him if he wanted to vote for police judge, Logan asked him who were the candidates and the officer said, "Craig Tolliver was the only one," and thereupon Logan said, "I will vote for Boone Logan." and he named the most worthless man in Morehead. The election to the position of police judge gave him power to issue warrants and this led up to the worst crime which was committed by either side, and that was the killing of the two Logan boys which occurred about two weeks before Craig and his followers were finally settled with.

Police Judge Tolliver issued warrants charging the two Logan boys with kuklucing and placed it in the hands of Marshall Manning who,

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accompanied by a posse of twelve men including Craig Tolliver, went to Dr. Logan's about two miles from Morehead where his sons were staying and demanded their surrender. He told them that he had a warrant for them. The Logan's knew the men in the posse and they were sure their arrest simply meant their assassination and they declined to surrender. Manning and his men then attempted to enter the house, when Jack Logan, the youngest boy fired and severely wounded him. (Manning) The council if elder Logan then prevailed and they gave themselves up to the posse under one promise that they should not be harmed and that they would be given a fair trial, and that their houses should not be burned. Thirty steps from the house one of the posse told the boys that they must die there, and were thereupon murdered. About twenty buckshots and pieces of slug were found in each of the bodies; after they were killed their faces were mutilated by kicking them in the face. Their bodies were afterwards buried in Dr. Logan's private graveyard. The Logan boys were considered extra fine men. The youngest of them was studying for the ministry. The real motive for the killing of these two boys was that Craig Tolliver wanted Dr. Logan convicted of the charge against him. Dr. Logan had been arrested on the charge of conspring to kill Judge Cole and others, and he had been sent to Lexington for safe keeping. His sons would have witnessed in his behalf and their testimonies would have doubtless cleared him of the charges, and Tolliver concluded that the best thing he could do was to put him out of the way.

Up to this time 17 men had been killed in the feud; among them were: Solomon Bradley, John Martin, Whit Pelfry, B. Caudelle, Deputy Sheriff Baumgartner, Mason, Keeton, John Marlow, John Davis, Wiley Tolliver, Witche, Willie Logan, Ben Raybourn, John Day, Floyd Tolliver, John B. Logan and W.H. Logan. The killing of the two Logan boys was followed by a notification from Craig Tolliver to Boone Logan, another brother, to leave the county. Boone Logan was a quiet citizen and a lawyer. He left and went to Frankfort to consult Governor Knott on the situation. Governor Knott told him in the presence of Lt. Governor Hindman, that he was sorry that he had no official power to extend any relief to the citizens of Morehead, that everything the state could so do had been tried but to no avail. It was currently reported that Governor Knott had told Logan that a private citizen could arrest a man

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if a warrant had been issued for him charging him with a felony. Whether Logan was advised to do so or whether he acted on his own initiative made but little difference in the final result. After the consultation with the Governor, Logan got into communication with Haram Pigman a merchant in Morehead, who had been in trouble with Craig Tolliver. These two men secured the active cooperation of Sheriff Hogg and a systematic canvas of the best citizens of Rowan County and surrounding counties was held and they were requested to assist in bringing the Tollivers to justice. One hundred and thirteen men in Rowan and adjoining countries were enlisted; and to secure arms for them, Logan went to Cincinnati and purchased sixty Winchester rifles. The rest were armed with shotguns and muskets, etc., meetings were held and plans formed. Warrants of arrest were issued charging arson, murder, and other crimes and misdemeanors against Craig Tolliver, Jay Tolliver, But Tolliver, Andy Tolliver, Cal Tolliver, Burke Manning, Jim Manning, John Rogers, Hirma Cooper, Boone Day, Tom Day, and Sam Gooden. These warrants were placed in the hands of the Sheriff Hogg and Wednesday morning at 10:00 o'clock June 22, 1887, was the time designated for the arrest. At three o'clock that morning 113 men under the command of Sheriff Hogg, arrived in detachments at Morehead, and were stationed at seven different positions outside the town limits and completely surrounded the town.

Craig Tolliver was apprehensive of an attack but he felt secure. He had heard of the citizens meeting and he had started the report that a band of regulators was being organized to drive him out of the county. This was likely done to strengthen his own resistances to the authorities. He evidently felt confident and secure of his ability to repel any attack and he claimed that he and his men could whip a thousand regulators. He had been drinking for some time and was at that time under the influence of liquor, he was not aware of the feeling which existed against him since the killing of the Logans.

At eight o'clock, the Tolliver forces were gathered at the American House. They were on the lookout for trouble. They were well armed as usual: Craig had two pistols and a belt full of cartridges. It was a quarter past eight when one of the posse named Byron was seen at the depot. Byron was armed with a Winchester and the Tollivers at once opened fire on him. Byron ran and the Tollivers pursued him, keeping up the firing. This precipitated the conflict. Men sprang from behind stumps and bushes and piles of lumber. A volley was



poured into the Tolliver party which caused them to make a hasty retreat. They ran past the American House toward the Central Hotel. The other squads of the possee came up and the action became general. The tollivers continued their retreat and all of them but one reached the Central Hotel. The one who fell was Bud Tolliver with a wound which shattered his knee. He managed to crawl through the fence and conceal himself in some tall grass. The members of the posse wore no hats on order that they might, by this means avoid shooting each other. The Tollivers soon discovered their enemies were bareheaded and threw away their hats. By doing this several of them escaped. The battle lasted for two hours and a half and there was about 2000 shots fired. Tolliver and his men were driven from the hotel and Jay Tolliver was killed on the hill a short distance from it. Craig Tolliver ran down the street bareheaded in the direction of the Cottage Hotel. Just as he reached the railroad about sixty feet from the Galt House, a bullet struck him in the leg and he fell, he started to rise when he was hit by another bullet. There were at least fifteen men shooting at him. He made no effort to get up after the third attempt. As he lay there apparently dead the firing continued. He was shot through the head twice. Though the Tollivers were good shots, they were not able to use their pistols to any effect. The only man in the posse who was wounded was Bud Madden, he was shot in the side by Cal Tolliver. One of the gamest fighters on the Tolliver side was Cal Tolliver, a boy of fourteen years of age. He was a nephew of Craig's. He was very small for his age. He did not seek the protection of the trees and fences as the others did, but he stood out boldly and fired his pistol like a veteran. One bullet passed through the seat of his pants. When Craig Tolliver fell, this boy ran to him and got the watch and the pocketbook off the dead man.

Some members of the posse found Bud Tolliver in the grass where he had crawled to conceal himself. They placed their guns close to his head and fired several shots into his brain.

Hiram Cooper was found in a wardrobe in Allie young's room, at the Central Hotel. He was dragged from his hiding place and killed in the room.

Cal Tolliver crawled under a house near the Central Hotel and remained in hiding until late in the afternoon when he escaped to the woods. Andy Tolliver, who was shot during the engagement, also made

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his escape. The two Mannings escaped by throwing away their hats, they continued their flight until they got out of the state. John Rogers also made his escape. Allie W. Young, who was at that time, the Prosecuting Attorney for Rowan County, was at Mr. Sterling which in fact more than likely saved his life.

After the battle, a mass meeting was held at the courthouse at which Boone Logan and others made speeches. A citizen protective association was formed. They adopted resolutions declaring: "If any one is arrested for this day's work, we will reassemble and punish to death any man who offers the molestation."

The bodies of Craig, Jay, and Bud Tolliver were taken charge of by the posse. They were washed, dressed, and laid out in the public room of the American House. Coffins were ordered from Lexington for four bodies. The Tollivers were taken to Elliott County for burial.

Craig Tolliver left a wife and two children. He was a good husband and indulgent father, Marion Tolliver, a brother of Craig's, was a peaceable and well behaved citizen. He took no part in the feud.

Craig Tolliver's correct name was Talliaferro. His father came from Virginia and he was a well to do farmer of Morgan County. However, when Craig was a boy of fourteen years of age when his father had a law suit with a neighbor in which Tolliver was successful; there was a general bad feeling against him and after the trial was over, the unsuccessful ligigant and a few of his friends went to the Tollivers house and shot him to death while he was in bed. Craig was present and saw his father murdered; this happened about twenty years before Craig lost his life. After his father's death the family moved to Elliott County where Craig grew into manhood. He carried weapons, practiced shooting, drank liquor, and was a tough character as a boy and he grew worse as he became older.

He went to Rowan County about five years before his death. He was six feet tall, thirty-six years of age, had light blue eyes, brown hair, and he wore a large mustache and a small goatee. He was true to his friends and cruel to his enemies. Perhaps no gamer man had ever lived in the mountains or elsewhere. He was poorly educated, shrewd and cunning and mild mannered except when in action. He was a typical desperado.

While the papers in all parts of the United States had much to

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say about Craig Tolliver, about the time of his death, no mention was ever made of any man who had lost his life from his hands. It seems that he directed others to commit deeds of violence but seldom took a part in them. Tolliver made his living without any visible occupation or means of support but he always had plenty of money. Shortly before his death, he engaged in the whiskey business and at the time of his death he owned two saloons in Morehead and he also engaged in the hotel business.

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The Rowan County Trouble (War)  
(Composed by J.W. Day)

Come all young men and ladies, fathers and mothers too,  
I'll relate the history of the Rowan County Crew,  
Concerning Bloody Rowan and her many hideous deeds,  
My friends please give attention; remember how it reads.

It was in the month of August, all on election day  
John Martin, he was wounded, they say by Jonie Day;  
Martin could not believe it; he could not think it so.  
He thought that Floyd Tolliver had struck the fatal blow.

They shot and killed Sol Bradley, a sober innocent man;  
Left his dear wife and children to do the best they can.  
They wounded young Ad Sizemore; although his life was saved.  
He seem to shun the "grog shop" since he stood so near the grave.

Martin he did recover; some months had come and passed.  
In the town of Morehead, those men had met at last.  
Tolliver and a friend of two about the streets did walk:  
He seemed to be uneasy, with on one wished to talk.

He walked into Judge Carye's grocery and stepped up to the bar.  
But little did he think, dear friends, he had met the fatal hour;  
The sting of death was near him. Martin rushed in at the door;  
A few words passed between them concerning the row before.

The people soon were frightened and began to rush from the room:  
A ball from Martin's pistol laid Tolliver in the bomb.  
His friends then gathered around him; a time to weep and wail;  
Martin, he was arrested and soon confined to jail.

He was put in the jail of Rowan, there to remain awhile  
In the hands of law and justice to bravely stand his trial.  
The people talked of lynching him; at present though they failed:  
The prisoner's friends soon moved him to the Winchester jail.

Some persons forged an order, their names I do not know.  
Their plan was soon agreed upon. For Martin they did go.  
Martin seemed discouraged: seemed to be in dread;  
They have sought a plan to kill me, to the jailer, Martin said.

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They put the handcuffs on him; his heart was in distress.

They hurried to the station , stepped on the night express.  
Along the line she limbered at her usual speed

There were only two in number to commit the dreadful deed.

When they arrived at Farmers they had no time to lose

A band approached the engineer and bad him not to move,  
They stepped up to the prisoner with postols in their hands,  
In death he soon was sinking, he died in iron bands.

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# Map of MOREHEAD Kentucky



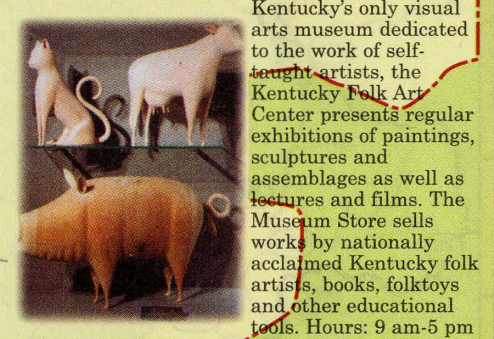
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## MOREHEAD STATE UNIVERSITY

- |  |                                       |                              |
|--|---------------------------------------|------------------------------|
| 1. Reed Hall                             | 24. East Mignon Hall                  | 37. Normal Hall              |
| 2. Water Testing Laboratory              | 25. Mignon Tower                      | 38. Rice Service Building    |
| 3. Lloyd Cassidy Building                | 26. Nunn Hall                         | 39. Laughlin Health Building |
| 4. Combs Building                        | 27. Waterfield Hall Conference Center | 40. Wetherby Gymnasium       |
| 5. Lappin Hall                           |                                       | 41. Academic-Athletic Center |
| 6. Adron Doran University Center         |                                       | 42. Wellness Center          |
| 7. President's Home                      |                                       | 43. Sadler Tennis Courts     |
| 8. Senff Natatorium                      |                                       | 44. Downing Hall             |
| 9. Button Auditorium                     |                                       | 45. Softball Field           |
| 10. Fields Hall                          |                                       | 46. Allen Field              |
| 11. Little Bell Tower                    |                                       | 47. Jayne Stadium            |
| 12. Camden-Carroll Library               |                                       |                              |
| 13. Allie Young Hall                     |                                       |                              |
| 14. Howell-McDowell Administration Bldg. |                                       |                              |
| 15. Ginger Hall                          |                                       |                              |
| 16. Rader Hall                           |                                       |                              |
| 17. Claypool-Young Art Building          |                                       |                              |
| 18. Alumni Center                        |                                       |                              |
| 19. Palmer Development House             |                                       |                              |
| 20. Thompson Hall                        |                                       |                              |
| 21. Breckinridge Hall                    |                                       |                              |
| 22. West Mignon Hall                     |                                       |                              |
| 23. Mignon Hall                          |                                       |                              |
| 28. Lakewood Terrace Family Housing      |                                       |                              |
| 29. Alumni Tower                         |                                       |                              |
| 30. Regents Hall                         |                                       |                              |
| 31. Cooper Hall                          |                                       |                              |
| 32. Wilson Hall                          |                                       |                              |
| 33. Baird Music Hall                     |                                       |                              |
| 34. Mays Hall Apartments                 |                                       |                              |
| 35. Cartmell Hall                        |                                       |                              |
| 36. Butler Hall                          |                                       |                              |

Opening its doors in 1887 as the Morehead Normal School with one student, Morehead State University now enrolls more than 8,300 students from 32 states and 37 foreign countries. The curriculum includes nearly 120 academic programs on the associate, baccalaureate and graduate levels, including several pre-professional programs. There are more than 45,000 MSU alumni worldwide.

## KENTUCKY FOLK ART CENTER

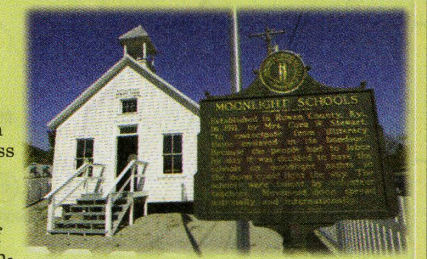


Kentucky's only visual arts museum dedicated to the work of self-taught artists, the Kentucky Folk Art Center presents regular exhibitions of paintings, sculptures and assemblages as well as lectures and films. The Museum Store sells works by nationally acclaimed Kentucky folk artists, books, folktoys and other educational tools. Hours: 9 am-5 pm Monday through Saturday and 1-5 pm on Sunday. Tel: 783-2204. Located on First Street near the Moonlight School.



## MOONLIGHT SCHOOL

This restored one-room schoolhouse, across from the Rowan County Public Library on First Street, was one of the original "moonlight" schools—a movement launched in Rowan County by Cora Wilson Stewart to combat adult illiteracy. The night schools were forerunners of adult education in the United States. Tours may be arranged through the Kentucky Folk Art Center. Tel: 783-2204.



**SPECIAL NOTATION:** Morehead and Rowan County's AREA CODE is 606. The ZIP CODE is 40351.

## MOREHEAD TOURISM COMMISSION

This map is a production of the MOREHEAD TOURISM COMMISSION. Visit our Downtown Information Center located at 150 East First Street, Morehead, KY 40351. Toll Free: 1-800-654-1944. Or visit us on the web: [www.moreheadrowan.com](http://www.moreheadrowan.com)

## HOTELS, MOTELS AND BED & BREAKFASTS

- (A) **Best Western City Map D-5** I-64 Exit 137 784-2220 Indoor pool, continental breakfast, cable TV, free HBO, Jacuzzi rooms available.
- (B) **Brownwood Bed & Breakfast Co. Map D-9** I-64 Exit 133 784-8799 Rooms and cabins available near Cave Run Lake.
- (C) **Cave Run Lodging Co. Map C-9** I-64 Exit 133 784-5927 Jacuzzi rooms available, cable

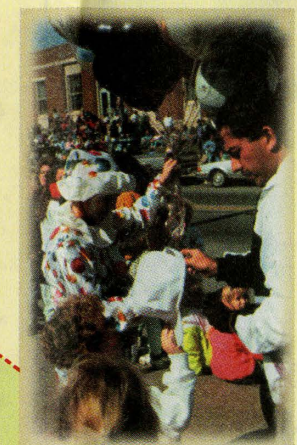
- TV, near Cave Run Lake.
- (D) **Days Inn City Map E-5** I-64 Exit 137 783-1484 or 800-329-7466 Cable TV, free HBO, Jacuzzi rooms available.
- (E) **Garvins Country Village Co. Map C-9** I-64 Exit 133 784-3554 Cable TV, standard rooms plus 1 extended stay apartment, near Cave Run Lake.
- (F) **Lakeview Hotel Co. Map D-10** I-64 Exit 133 784-1600 Cable TV, near Cave Run Lake and marina.
- (G) **Ramada Inn City Map E-4** I-64 Exit 137

- 784-7591 or 800-2RAMADA Full service restaurant, meeting rooms, outdoor pool, cable TV.
- (H) **Shoney's Inn & Suites City Map E-5** I-64 Exit 137 784-5796 or 800-222-2222 Indoor pool, cable TV, free HBO, continental breakfast.
- (I) **Super 8 Motel City Map F-4** I-64 Exit 137 784-8882 or 800-800-8000 Standard, executive and whirlpool suites.

## ANTIQUE AND CRAFT SHOPS

- Freida's Antiques** US 60 W. 784-5993
- Judy's Country Corner** 170 E. Main St. 784-2394
- Linda's Country at Heart** 4501 KY 801 N. 784-5416
- Main Street Antique Mall** 103 W. Main St. 780-4507
- Riverside Antiques & Crafts** KY 801 S. 784-4060
- The Shaving Horse Antiques** 7490 US 60 W. 784-2806
- Touch of Class Gift Shoppe** 460 Bluebank Rd. 780-9191

- ART GALLERIES**
- Kentucky Folk Art Center** 606-783-2204
- MSU's Claypool-Young Art Gallery** 606-783-2766
- Pine Grove Gallery** 606-784-6238
- FESTIVALS**
- Appalachian Celebration** Last Week in June
- Rowan County Harvest Festival** Third Weekend in September
- Poppy Mountain Bluegrass Festival** Third Week in September
- Cave Run Storytelling Festival** Last Weekend in September



TO CAVE RUN LAKE









**Burton, Campbell and Kelley, Inc.**

ADVERTISING

1800 Peachtree Rd. N.W.

ATLANTA GA 30309

Dec 6, 1974

Dr. Ellis:

Sorry for the delay in <sup>ANSWERING</sup> ~~returning~~ your letter, but things have been pretty hectic around here. To answer your question succinctly, exactly nothing has happened to the Rowan County War script. But, to proceed to make a short answer long, this is a "Hollywood nothing," so I thought you might be interested in what happened.

The producer is a man named Bob Clarke. He is a former attorney from North Carolina who found a story a couple of years ago about moonshining and hunting with bow and arrow. He asked me in the summer of 1973 if I wanted to write the screenplay for him, and, since I didn't really care for the story, and, at the time, I doubted his ability to raise serious money, <sup>I didn't write it</sup> I was half-right. I still don't like the story, but damned if he didn't scuffle around and come up with the financing. So they shot the thing, called it "Moonrunners," down south of Atlanta in the late fall of 1973. It took them six months to edit the thing and get a distribution agreement from United Artists, but it finally got into release the first of November of this year. (1974)

Well, to back up a little, while they were shooting "Moonrunners" I got to drinking with Clarke one night and told him about this story involving Boone Logan <sup>and the Rowan County war.</sup> I had heard the story from my father who had gone to school back in the thirties down at Berea, and graduated from Eastern, and then did some post grad work at Lexington. I didn't remember the details of it, but told Clarke it sounded like there was a movie in it, and I'd be glad to put it together for his next project. One of the actors in "Moonrunners" was Jim Mitchum, Robert Mitchum's son. After I had told the story, what I knew of it, to Clarke, he, in turn, told it, on another occasion when liquor was flowing to Jim Mitchum, who liked it, and passed it along to his dad. <sup>By now, it resembled that parlour game where you tell someone a joke, and they pass it on, and you see what kind of garbled version comes out at the end.</sup> The older Mitchum liked whatever he heard (I've been unable to reconstruct that version of it) and told his son to tell Clarke to tell me to go ahead.

Are you still with me? So, Clarke gave me some money as an advance, and I came up there to do my research. The real story, as I found <sup>OUTERMAN</sup> ~~it~~ <sup>you</sup> ~~it~~ <sup>help</sup>, bore little resemblance to what we had been bandying about. <sup>But</sup> I thought ~~it was~~ <sup>the real story was</sup> better, and so I wrote a thirty page treatment based very closely ~~on~~ <sup>on the facts in the case as they were reported in</sup> the facts <sup>about the Rowan County War</sup> ~~in the case as they were reported in~~ <sup>you reported them to</sup>



Two months passed! One thing I learned about Clarke was that, at any given moment, he has several balls in the air at once, and communications with him are difficult. Following the "Moonrunners" he moved his family to Malibu and set up shop as a full time producer, signed a three picture deal with United Artists, and then called to tell me he didn't like the story I sent.

"What happened to the guy who killed 21 people?"

"There was no guy who did that."

"The story you sent me is about some lawyer."

"Yeah, well, you see Boone Logan was a lawyer."

"Nobody wants to see a show about a lawyer."

"I guess that explains why Perry Mason was such a flop."

"I want you to rewrite this thing, and I think I can sell it ~~ya~~ to UA, but go back to the original story you told me ~~before~~ that I told Mitchum."

"What I wrote was the original story. What I told you was something somebody made up."

"So make one up."

Well, I thought, after sufficient quantities of Teacher's Scotch, what the hell, it's his money. So I sat down to try to write a story about a guy who killed 21 people. A story based on a story I told, over drinks, to Bob Clarke in the summer of 1973, which he, in turn told, over drinks, to Jim Mitchum, who then told it, over drinks, to his father, Robert Mitchum, *which* a lot of drinking going on, ~~so~~ no telling what the story was about. I made one up out of whole cloth, kept the name Boone, changed his last name to Taylor, moved it to West Virginia and up to 1910, and made it about the minefields.

Two months pass. Clarke by now is shooting a western called "King of the Mountain" in Las Cruces, New Mexico.

"Great treatment," he tells me on the phone from the Las Cruces Ramada Inn. "One of the ~~potential~~ investors *is in the movie I'm making now* is on the board at Random House, and he thinks it would make a terrific novel. Can you make it a novel?"

"I guess so."

"Okay, this is definitely my third picture for UA. We'll shoot it next summer in West Virginia."



"Summers in West Virginia are always ~~fun~~ fun," I tell him.

"Terrific. Start the novel. We'll work a promotion with Random House, jack up the price, then you write the screenplay, and we all get rich."

"Nice speaking with you," I tell him.

That was in October. I am now 50 pages into a novel called "Boone's 21," that has nothing to do with Boone Logan or Morehead, or Rowan County, or anything else I did on that trip back in the spring when you were so kind to let me look over your material.

I hope you go ahead with your book <sup>about the Rowan County war.</sup> I think it's a great story, and should be done. If I had the money I'd buy the rights to it myself and find a producer who liked it. In the meantime I'm in the situation of being something of an indentured servant to one Bob Clarke, a former lawyer who doesn't like stories about lawyers, and who, at this moment is probably sipping Tequila somewhere in New Mexico and complaining about writers who insist on some kind of devotion to historical fact.

Please keep in touch. If anything else happens I'll fire off another baroque letter.

Best wishes for the holidays.

Sincerely,

*Bill*

Bill Dial

*This writer contacted Mr. Dial two years later and learned they did produce the movie called "Boone's 21" - but it had not yet been released. (I'm not sure it ever was) the setting was the West Virginia Mine Fields. He changed the last name to Toyler and the time was 1910. So much for historical accuracy and so much for a movie about the Rowan County war.*



April 29, 1974

Mr. Bill ~~Dial~~  
Burton, Campbell and Kelley, Inc.  
1800 Peachtree Road, N.W.  
Atlanta, Georgia 30309

Dear Bill:

Thank you for your letter of April 22 bringing me up-to-date on the details of the script for a movie of the Rowan County War. I have been out of town for the past several days in Washington, D.C. and have not answered earlier.

I was in Frankfort, Kentucky last Friday and did some research there in the State Archives and Records Commission looking for information relating to the Rowan County War. I did locate quite a bit of information and am making copies to send to you trusting that this information will be of additional assistance to you in your writing.

Best wishes for continuing success and please keep me informed.

Sincerely,

Jack D. Ellis  
Director of Libraries

JDE/rc



November 21, 1974

Mr. Bill Dial  
Burton, Campbell and Kelley, Inc.  
1800 Peachtree Road, N. W.  
Atlanta, Georgia 30309

Dear Mr. Dial:

I am curious to know how the script is coming for the movie about the Rowan County War. Could you please bring me up to date if anything is happening in regard to filming this story?

Sincerely,

Dr. Jack D. Ellis  
Director of Libraries

JDE/rmm



**Burton, Campbell and Kelley, Inc.**

Atlanta and New York

April 22, 1974

Dr. Jack Ellis  
Morehead

Dear Dr. Ellis,

Thankyou again for your help on the Rowan County War research. Everything you've heard about movie producers spending their lives on the phone is true. Sunday, after I got back here, I was on the phone for two hours with my producer in Los Angeles telling him in great detail the whole story, from the first courthouse scuffle to the final shootout. He was fascinated and excited. Apparently I am to be given a shot at writing the final script. At any rate they told me to forge ahead with it. Since the principal backers for the thing are from Montreal, it is likely that most of the show will be filmed in Canada for tax reasons I don't pretend to understand.

Again, many thanks for your cooperation and the resources you kindly made available to me. I will keep you posted as the project progresses/

*Bill*

Bill Dial



## The Tolliver Song [63]

[Law E 20]

This song is closely related to one of the most famous of Kentucky feuds, the Rowan County "War." It should be pointed out that the code of honor of the Highlander does not require that he give his opponent a fair chance to defend himself; any means, fair or foul, are suitable, and his behavior is in striking contrast to the chivalric spirit of the plainsman of the West. In Kentucky this ballad is known as "The Rowan County War." ~~Contributed by Hattie Roanland, Cliff~~

~~Pay Fayette Co. W. Va. 1891~~

It was in the month of August, all on election day,  
Lent Martin, he was wounded, some say by Johnny Day.  
But Martin could not believe it, or could not think it so;  
He thought it was Bud Tolliver that struck the fatal blow.

They wounded young Ad Simon, although his life was saved;  
He seems to shun grog shops since he stood near the grave.  
They shot and killed Sol Bradley, a sober, innocent man;  
Left his wife and children to do the best they can.

Martin did recover, some months had come and past;  
All in the town of Morehead these men did meet at last.  
Tolliver and a friend or two about the street did walk;  
They seemed to be uneasy, with no one wished to talk.

They walked into Judge Carey's grocery<sup>1</sup> and stepped up to  
the bar;  
But little did he think, dear friends, he had met his fatal hour.  
The sting of death was near him; Martin rushed in at the  
door.

A few words passed between them concerning a row before.

People soon got frightened, began to rush out of the room,  
When a ball from Martin's pistol laid Tolliver in the tomb.  
His friends then gathered round him, his wife to weep and  
wail;

And Martin was arrested and placed in the county jail.

He was put in jail at Roand,<sup>2</sup> there to remain a while,

<sup>1</sup> Grocery—saloon.

<sup>2</sup> [Roand—Rowan.]

Taken from Ky 784.4976 Folk-Songs of the Southern United States  
C 7317 by Josiah A. Combs



In the hands of law and justice, to bravely stand his trial.  
The people talked of lynching him, at present though they  
failed;

The prisoner's friends removed him to Winchester jail.

Some persons forged an order, their names I do not know;  
The plan was soon agreed upon, for Martin they did go.  
Martin seemed to be discouraged, he seemed to be in dread.  
"They have sought a plan to kill me," to the jailer Martin  
said.

They put the handcuffs on him, his heart was in distress.  
They hurried to the station, got on the night express.  
Along the line she lumbered, just at her usual speed.  
There were only two in numbers to commit the awful deed.

Martin was in the smoking car, accompanied by his wife.  
They did not want her present when they took her husband's  
life.

And when they arrived at Farmer, they had no time to lose.  
A band approached the engineer and bade him not to move.

They stepped up to the prisoner with pistols in their hands;  
In death he soon was sinking, he died in iron bands.  
His wife overheard the noise, being in the smoking car.  
She cried, "O Lord! they've killed my husband," when she  
heard the pistols fire.

The death of these two men has caused trouble in our land,  
Caused men to leave their families and take the parting band.  
It has caused continual war, which may never, never cease.  
I would to God that I could see our land once more in peace.

They killed our deputy sheriff, Baumgartner was his name.  
They shot him from the bushes, after taking deliberate aim.  
The death of him was dreadful, it may never be forgot:  
His body was pierced and torn with thirty-two buckshot.

I composed this song as a warning. Oh, beware young men!  
Your pistols will cause you trouble, on this you may depend.  
In the bottom of a whiskey glass a lurking devil dwells,  
Burns the breath of those who drink it, and sends their souls  
to hell.

If tl  
poser,  
of Hig  
Co., V



# Round County Trouble

## "Story of the Rowan County War" Sang by Folk Singer 'Blind Jils' Setters

Come all you fathers and mothers  
Sisters and brothers,  
I will relate the history  
Of the Round County Crew,  
Concerning bloody Round  
And many heinous deeds,  
I Pray you pay attention,  
Remember now it reads.

It was in the month of August,  
On election day;  
John Martin was shot and wounded,  
They say by John Day.  
Martin could not believe it,  
He could not think it so.  
He thought it was Floyd Toliver  
Who shot the fatal blow.

They shot and killed Sol Bradley,  
Pure, sober, innocent man,  
He left his wife and loving children,  
To do the best they can.  
They wounded Ed Sizemore,  
Although his life was saved,  
He seemed to shun the grogshop,  
Since he stood so near the grave.

Martin did recover -  
Some months had come and passed,  
It was in the town of Morehead,  
The men both met at last;  
Martin and a friend or two  
About the streets did walk;  
He seemed to be uneasy  
And no one wished to talk.

He stepped into Judge Carey's grocery  
And stepped up to the bar,  
But little did he think, dear friend,  
He'd met his fatal hour.  
The sting of death was near him,  
Martin rushed in at the door,  
A few words passed between them  
Concerning the row before.

The people all were frightened,  
All rushed out of the room;  
A ball from Martin's pistol  
Laid Toliver in the tomb.  
His friends soon gathered round him,  
His wife to weep and wail;  
Martin was arrested,  
And soon confined in jail.

He was placed in jail at ~~Rowan~~ <sup>Round</sup>  
There to remain awhile  
In the hands of law and justice,  
To bravely stand his trial.  
Some people talked of lynching him,  
At present though they failed,  
Martin's friends removed him  
To the Winchester jail.

*John Day*  
Some person forged an order,  
Their names I do not know;  
This plan was soon agreed upon,  
For Martin they did go.  
Martin seemed to be uneasy,  
He seemed to be in dread;  
They have set a plan to kill me,  
To the jailer Martin said.

They put the handcuffs on him,  
His heart was in distress;  
They hurried to the station,  
Stepped aboard the night express.  
Along the line she lumbered,  
At her usual speed;  
They were only two in number,  
To commit the awful deed.

When they arrived at Farmer's  
They had no time to lose,  
A man approached the engineer  
And told him not to move.  
They stepped up to the prisoner,  
With a pistol in their hands,  
In death he soon was sinking,  
He died in iron bands.

He was in the smoking car,  
Accompanied by his wife;  
They did not want her present  
When they took her husband's life.  
She heard the horrid sound,  
She was in another car;  
She cried: "Oh, Lord, they've killed him,"  
When she heard the pistol fire.

The death of those two men  
Has caused great trouble in our land,  
Caused men to leave their families  
And take the parting hand.  
Relations still at war;  
O, will it never cease?  
O, God, I would like to see  
This land once more in peace.

They shot the deputy sheriff,  
Bumgardner was his name;  
They shot him from the bushes  
After taking deliberate aim.  
The death of him was dreadful  
May it never be forgot;  
His body was pierced and torn  
By thirty-three buckshot.

I composed this as a warning,  
Beware young man, my friend;  
Your pistol will cause you trouble,  
On this you may depend.  
In the bottom of a whiskey glass  
The lurking devil dwells,  
It burns the breath of those who drink it,  
And sends their souls to hell.



***International Conference  
Identities Through Battlefields  
16-17 April 2004  
Morehead State University, Morehead, KY***

**Preliminary Conference Schedule**

*Friday, 16 April 2004*

Conference Center, Ramada Inn, Morehead

12:00 – Opening Remarks, Major General Donald C. Storm, The Adjutant General, Kentucky National Guard

12:30 – 2:00 Session 1 – The Medieval World

- Timothy D. Holder, Morehead State University, KY, “English Identity circa 1066”
- John R. Lee, St. John Fisher College, NY, “Battles and Castles of Jordan: The 1183 Siege of el-Kerak (Jordan)”
- John and Patricia Carman, University of Cambridge, (Great Britain) “Taking and Holding Ground: The Appropriation and Reappropriation of Sites of Battle”

2:20 – 3:45 Session 2 – The Early Modern World

- Mathew Preece, Morehead State University, KY, “Revolutionary Armies from the 1649 Cossack War and the Siege of Zbarazh (Ukraine)”
- Daniel M. Sivilich, BRAVO, NJ, “The Battle of Monmouth: The Archaeology of Molly Pitcher, the Royal Highlanders, and Colonel Cilley’s Light Infantry”

4:00 – Rowan County War Site Tour

Jack Ellis, emeritus director of the Camden-Carroll Library, Morehead State University

6:00 – cocktail hour, Ramada Inn

7:00 – Dinner, Ramada Inn, David Morgan, Director of the Kentucky Heritage Council and the State Historic Preservation Officer

*Saturday, 17 April 2004*

Riggle Room, ADUC, MSU campus

9:00 – 10:30 – Session 3 – The Modern World

- Mary Munsell Abroe, Ph.D., Kendall College, Evanston, IL, “Written on the Battlefield: Veterans Identify Their Civil War, 1861-1900”
- Susan B. Hawkins, National Parks Service, “Fort Donelson National Battlefield: The Challenges and Opportunities of Civil War Site Interpretation”
- Holly Beach, Ball State University, IN, “Recognizing the Past: Creating a Civil War Heritage Trail based on John Hunt Morgan’s 1864 Raid”

10:45 – 11:45 – Session 4 – The Modern World (continue)

- Graham Barrigan, La Trobe University (Australia), “Landscape and Archaeology: the Civil War and World War I”
- Joseph E. Brent, Mudpuppy & Waterdog Public History Specialists, KY, “Power to the People: The Modern Era of Civil War Sites Preservation in Kentucky 1991-2003”
- Kathy German, Miami University, OH, “The Depiction of African Americans as Battlefield Heroes in “The Negro Soldier” and “The Negro Sailor””

12:30 – Lunch

1:30 – Kentucky Civil War Sites Association Representatives. The Kentucky Civil War Sites Association is made up of 58 individual grass-roots preservation organizations that are working in partnership to insure the long-term identification, registration, preservation and interpretation of Civil War battlefields and historic military sites located across the Commonwealth.

4:30 Summation and Closing Comments

This conference is jointly sponsored by the Kentucky Heritage Council, the Kentucky Association of Central and East European Studies, the Office of International Education at Morehead State University, and the Department of Geography, Government and History at Morehead State University.

For further information, please contact:  
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# Kentucky All Over

by Edwin Finch

**THE TOLLIVER-MARTIN-LOGAN FEUD**, WHICH GAVE KENTUCKY OFFICIALS MORE TROUBLE THAN ANY OTHER, STARTED IN AUGUST, 1884, AND ENDED WITH A PITCHED BATTLE IN MOREHEAD JUNE 22, 1887. DURING THIS PERIOD 23 WERE KILLED AND 16 WOUNDED.

THE TROUBLE STARTED OVER POLITICS BUT DEVELOPED INTO ORGANIZED BRIGANDAGE.

**SOLOMON BRADLEY** WAS KILLED ON ELECTION DAY IN AUGUST, 1884, IN MOREHEAD, ROWAN COUNTY. ONE FACTION ACCUSED **FLOYD TOLLIVER** OF THE KILLING AND ANOTHER **JOHN MARTIN**.

ON DECEMBER 2, 1884, **FLOYD TOLLIVER** WAS KILLED IN A BARROOM FIGHT WITH **JOHN MARTIN**, WHO GAVE HIMSELF UP TO THE AUTHORITIES, TO PREVENT MOB VIOLENCE. **MARTIN** WAS TAKEN TO WINCHESTER. SIX DAYS LATER FIVE MEN ARRIVED AT THE JAIL WITH A FORGED ORDER FOR HIS RETURN TO MOREHEAD. **MARTIN** WAS TURNED OVER TO THEM AND WHEN THE TRAIN REACHED FARMERS, A SMALL TOWN NEAR



MOREHEAD, IT WAS BOARDED BY A GROUP OF MASKED MEN, WHO RIDDLED THE HANDCUFFED **MARTIN** WITH BULLETS.

DURING THE FOLLOWING MONTHS SEVERAL OTHERS WERE KILLED OR WOUNDED FROM AMBUSH.

**CRAIG TOLLIVER**, THE LEADER OF HIS FACTION, WHO WAS TOWN MARSHAL OF MOREHEAD AT THAT TIME, TOOK A GANG TO THE **MARTIN** HOME, A SHORT DISTANCE OUT OF TOWN IN SEARCH OF **COOK HUMPHREY** AND **BEN RAYBURN**, TWO **MARTIN** ADHERENTS, WHO WERE IN THE HOUSE.

**MRS. MARTIN**, WHOSE HUSBAND AND TWO SONS HAD GONE TO KANSAS AFTER BEING THREATENED WITH DEATH, WAS THERE WITH HER FOUR DAUGHTERS.

THE TOLLIVERS DEMANDED THE SURRENDER



ONER COULD COME. TO PROTECT IT FROM MUTILATION BY HOGS THE **MARTIN** GIRLS BUILT A RAIL PEN AROUND HIM.

THE TOLLIVERS SET FIRE TO THE HOUSE AND EVERYTHING IN IT WAS LOST.

LATER **CRAIG TOLLIVER** AND **COOK HUMPHREY** SIGNED AN AGREEMENT TO LEAVE ROWAN COUNTY FOREVER. **TOLLIVER** RETURNED IN FOUR MONTHS AND WAS ELECTED POLICE JUDGE SEVERAL MONTHS LATER.

POLICE JUDGE **TOLLIVER** ISSUED WARRANTS FOR THE ARREST OF **JOHN** AND **BILLY LOGAN**, TWO YOUNG MEN OF GOOD REPUTATION WHOM HE FEARED AS WITNESSES AGAINST HIS FACTION, ON THE FALSE CHARGE OF THREATENING TO KILL **HIRAM COOPER**, ONE OF THEIR NEIGHBORS. A POSSE OF TWELVE MEN, INCLUDING **CRAIG TOLLIVER**, TOOK THEM FROM THEIR HOME AND SHOT THEM, THEN MUTILATED THEIR FACES BY KICKING THEM.

**CRAIG TOLLIVER** THEN WARNED **BOONE LOGAN**, A COUSIN OF THE BOYS, TO LEAVE TOWN, SAYING THAT HE WOULD RENT HIS HOUSE AND HIRE OUT **LOGAN'S** WIFE TO MAKE A LIVING FOR HER CHILDREN.

THE ENRAGED **LOGAN** WENT TO FRANKFORT TO SEEK THE AID OF GOV. PROCTOR KNOTT, WHO TOLD HIM THAT THE STATE HAD DONE EVERYTHING IN ITS POWER TO NO AVAIL. **LOGAN** THEN FORMED A GROUP OF THE BETTER CITIZENS OF THE COUNTY TO BRING THE TOLLIVERS TO JUSTICE, AND BOUGHT SEVERAL HUNDRED DOLLARS' WORTH OF GUNS AND AMMUNITION IN CINCINNATI.

WARRANTS WERE ISSUED FOR ALL OF THE TOLLIVER FACTION, AND ON THE MORNING OF JUNE 22, 1887, 113 MEN WITH SHERIFF HOGG SURROUNDED







# The Courier-Journal.

NEW SERIES, NO. 6,749.

LOUISVILLE, THURSDAY MORNING, JUNE 23, 1887.

**CRAIG TOLLIVER.**  
LEXINGTON, June 22.—[Special.]—The news from Rowan to-day is of the most exciting character, as it appears to be an indisputable fact that Craig Tolliver is killed, and his gang dismembered forever. The news comes by a Lexington minister and others, who came through Morehead to-day on the solid train from Norfolk, Va. At about 9:30 o'clock this morning, when this train was within a few miles of Morehead, it was flagged by some citizens, and when it came to a stop they informed the conductor that

**A BLOODY BATTLE**  
was going on in Morehead between a Sheriff's posse and the Tolliver gang, and that it would not be safe for the train to proceed until hostilities ceased. The passengers and trainmen were very much frightened, and at their solicitation the conductor ran the train on to Martin's switch, two miles and a half east of Morehead. There they remained until nearly 12 o'clock, when they were notified that the fighting was over and that the train might safely pass through Morehead. The train stopped at Morehead for some time, and there the passengers viewed the slain and learned the particulars of the battle, which appear to be about as follows:

**PREPARING FOR WAR.**  
Sheriff Hogg, presumably acting under instructions from the State authorities, as he recently visited Frankfort to see Gov. Knott, has been for about a week quietly organizing a very large posse of determined men in the upper part of Rowan county, and in the adjoining counties, for the purpose of arresting Craig Tolliver or all the party who were implicated in the murder of the Logan boys, some two weeks ago. Craig Tolliver had received intimations of this, but they were so vague that he supposed the party would be regulators instead of a Sheriff's posse, and it was in this way that rumors of regulators got abroad. Tolliver and his party, consisting of some ten men, were quite vigilant, and it is evident that

**THEY EXPECTED THE REGULATORS.**  
to come from the direction of Lexington, for they went heavily armed to meet every eastward-bound train at the depot, to search for suspicious characters and see that nobody got off at Morehead except such persons as they wished. On Monday night last a brakeman thoughtlessly stepped off the train at Morehead, and he was instantly covered by half a dozen guns, and only saved his life by throwing up his hands and explaining who he was. Sheriff Hogg armed and equipped

his large posse with Winchester rifles and cartridges, which one of his agents purchased in Cincinnati and had secretly conveyed to his rendezvous while he was organizing the posse. Everything was ready for the move on Tolliver several days ago, but as it was known that neither he nor any of his gang would peaceably submit to legal arrest, or arrest of any kind, it was deemed best to have the

**PLANS OF THE CAMPAIGN**  
thoroughly matured and digested before any decisive step should be taken. This occasioned delay. One of the questions mooted by the Sheriff and his assistants was whether it would be better to make the raid by day or by night, and it was finally determined to make it by day, so that women, children and unoffending citizens generally might be spared as much danger and alarm as possible. The day fixed for the arrest of the assassins was Wednesday, June 22, and the time about 8 o'clock in the morning. Accordingly at an early hour this morning people living on the line of the railroad within two or three miles of Morehead on each side of the town, were notified to stop all trains and inform the conductors what was going on in Morehead, so that the passengers and trainmen might not be carried heedlessly into danger.

**SHERIFF HOGG'S BAND OF RESOLUTE MEN,**  
numbering probably more than two hundred, appeared suddenly at Morehead, about 8 o'clock in the morning. A cordon was first established around the entire town in the brush, where they could not be seen. The Sheriff then entered the town at the head of about one hundred well-armed men. Craig Tolliver and his ten followers immediately retreated precipitately to the Cottage Hotel, which they had previously barricaded in such a manner as to make it quite a formidable fortification. Sheriff Hogg then notified Tolliver that he had warrants for the arrest of all the men implicated in the killing of the Logan boys, and asked that they all submit peaceably to arrest under the law.

**TOLLIVER'S REPLY**  
was that neither he nor his men would be arrested, and that a hundred men could not take them. His party then opened fire upon the Sheriff and the issue was joined. Quite a brisk rattle of musketry ensued, and the fighting was kept up for probably two hours and a half, the only casualty during that time being a flesh wound in the leg received by one of the Sheriff's men. The attacking party, however, were gradually drawing their lines closer around Tolliver's fortification, and the besieged party, finding things growing too warm for them, finally concluded to make

**A BOLD LEAP FOR LIBERTY,**  
and their way through the Sheriff's lines.

of arrest for Jack and William Logan, about three weeks ago, which resulted in the death of both of these and the serious wounding of John Manning, who, with a posse, sought to execute the warrant.

The particulars of to-day's killing are about these: About 8 o'clock this morning a posse of about three hundred men, headed by the proper officials, with warrants of arrest for the three Tollivers, Cooper, and some others, with authority from the Governor to take these men dead or alive, came into Morehead fully prepared and determined to do the work for which they were commissioned. Many of the best citizens of Rowan, Morgan, Carter, and Elliott counties composed this band, who were determined that the criminals should not this time escape the execution of the law, which they have so often violated and trodden under foot. This party came with one object in view, and only one—to arrest Craig Tolliver and his party, and if they resisted arrest, to

**KILL THEM ON THE SPOT.**  
The officials ordered all the saloon men, when the posse came into Morehead, to empty every drop of whisky into the streets, and assured them they would receive pay for it. This was done, and the posse went coolly to the execution of its work. Craig Tolliver and the most of his gang were found at or near the depot, and were ordered to surrender or die. They chose the latter, and opened fire. The Sheriff's posse returned the fire, and Craig Tolliver fell upon the railroad track, pierced by ten or a dozen shots. His confederates received as many more, and their bodies presented a torn and mangled appearance after they were collected and placed in houses near by. Every road and avenue of escape from the town was carefully guarded, and when the west-bound local train, due here at 11 o'clock, approached Morehead, the guard had the train stopped to prevent the killing of any innocent party, as shot after shot was being fired by the combatants. The train was held on the outside of Morehead about two-and-a-half hours. Only one man, Madden, of the posse was struck, in the thigh, but not seriously hurt, notwithstanding as many as fifteen shots were fired during the fight. The posse are searching for two other men, John Manning, the City Marshal, and John Rogers, who, it will be remembered, figured in a fight at Morehead last fall, and who, they say, is in hiding somewhere. The men can not possibly escape, and will either be arrested or killed. The streets are packed with armed men, but they assure the citizens they shall not be hurt.

**AN EYE-WITNESS**  
Tells of the Scene of Blood and Vengeance Wrought By the People.

WINCHESTER, June 22.—[Special.]—Your correspondent was present to-day when another chapter in the bloody history of Rowan county was enacted. Ever since the killing of the Logan brothers some time ago the fires of vengeance have been smoldering, and the events of the forenoon have been anticipated by many. Through the terror inspired by his name, Craig Tolliver succeeded in having himself elected Police Judge of Morehead, and at once began to use his official position against his enemies. For

head, Rowan county, where he saw the dead bodies of Craig Tolliver and his allies. To a Courier-Journal Mr. Nield gave the following graphic account of what he heard and saw:

"Coming through the mountains of West Virginia, it occurred to me that I had to pass through Morehead. I determined, if the train stopped long enough, to get off and try to see Craig Tolliver, of whom I had heard so much. I did not then dream that he had been killed. Several stations east of Morehead the people on our train were informed that there had been

**HEAVY FIGHTING IN MOREHEAD,**  
and that Tolliver and all his friends had been killed. I did not believe it, as it had several times before been reported that Tolliver was killed, and he was alive and well. Coming in further, we heard news that left no doubt of Tolliver's death. We were informed that the train which passes through Morehead at 9 o'clock in the morning had been flagged east of the town, and stopped. Some citizens who did the flagging informed the conductor and engineer that a big fight was going on in Morehead between the Tolliver gang and the Sheriff's posse, and that it would be dangerous to proceed. The train stopped there for almost two hours, and after the fighting was over went through the town.

"The people on our train were much excited at the news," continued Mr. Nield. "When we steamed into Morehead the town looked deserted. All the houses were closed and no one was to be seen around them. When we reached the platform we saw a

**A CROWD OF ARMED MEN**  
standing there. I jumped off and asked a tall, loosely-jointed man, with a Winchester rifle thrown over his shoulder, if Craig Tolliver had been killed. He replied in the affirmative, and taking me by the arm, led me to the Cottage Hotel, situated a few yards south of the depot. We went into a room, and there lay the corpse of Craig Tolliver, Jay Tolliver, J. R. (Bud) Tolliver and Hiram Cooper. The three former were side by side, and Cooper was off by himself. White sheets were spread over them all. My guide turned the sheet down from Tolliver's face. He was shot several times in the back of the head. He might have been shot in the body, but I had no time to look further. All the others were shot in the head. I wanted to ask some questions, but the train was starting and I had to go. There were five men in Tolliver's party, and one named Rogers escaped. So far as I could learn there were about one hundred men in the Sheriff's posse. The fighting began early in the morning and lasted two or three hours. The Sheriffs of both Carter and Rowan counties were there. The Tolliver crowd was evidently taken by surprise."

**SHOT FROM THE BUSH.**  
The mild victim was also a Martin man, and a deputy of Cook Humphrey. This was the worst of all the Rowan-county outrages. Stewart Bumgardner was the man who fell. He was a native of Elliott county, but had lived a few years in Rowan. While riding along the Morehead and Martinsburg road, about six miles from Morehead, near the headwaters of Christie creek, in Rowan county, he was shot from ambush and killed. It occurred in March, 1885. The names of the perpetrators of the deed have never been made known, although old Mrs. Martin says the grand jury of Rowan county could ascertain who are the guilty men, if it desired. The mail-carrier from Martinsburg, who is the county seat of Elliott, to Morehead, discovered the body. It was literally torn to pieces. Several charges of buckshot had been fired into the chest and neck, and there were numerous bullet holes in other portions of the body. Nearly every drop of blood had run out of him, and

was in the habit of coming to our house, and the children always treated him as a brother. The Tollivers found out they were there, because the night before Humphrey was afraid they might want to kill him, and he slipped into Morehead after his Winchester, which he had left there. They saw him and the next day they came after him. They knew that there was somebody with him, but they did not find out it was Rayburn until after they had killed him. They hid in the bushes around the house. In the party were Craig Tolliver, Mark Keeton, Jeff Bowling, Tom Allen Day, John Day, Boone Day, Mich, Jim Ashley, Bob Messer and others whose names I did not know. Tolliver was Town Marshal of Morehead, and claimed that he had warrants for the arrest of Humphrey and Rayburn on the charge of attempting to assassinate Taylor Young, but they

**NEVER HAD ANY WARRANTS.**  
"They watched the house and saw everything that was going on. Rayburn helped my daughter Sue rob the bees that morning. One of them stung Rayburn, and he made a good deal of fuss about it. Sue laughed at him and told him he made more fuss than if the entire Tolliver gang was after him. Craig Tolliver heard it all, for he afterward repeated to my daughter the exact words of the conversation. Well, they came in the yard and demanded that Humphrey and Rayburn surrender. They asked them to show their warrants, and, as they could not, they refused to surrender. Then the Tolliver gang hid all around the house and began to shoot. Some of them got behind the stable, over there."

According to Mr. Martin's narrative Humphrey and Rayburn took refuge in the second story. Rayburn had no arms, but he secured a revolver in the house. Humphrey had a Winchester rifle and a shotgun. The Tollivers were armed with Winchesters and shotguns. Craig Tolliver slipped into the yard and got inside the house unperceived. He was creeping up the stairway when Humphrey, discovering his presence, seized the shotgun and discharged it at his face. Tolliver fell back down the steps, and his friends, rushing in, grasped him by the legs and dragged him out of danger. He was carried away, and took no further active part in the siege. He was badly scarred by the load of shot discharged into his face, but quickly recovered.

**A DAY OF TERROR.**  
In the meantime the others continued the siege. The half-grown boy was at work in a

throughout the State, and the militia were sent to Morehead. There was a special term of court, and Attorney General Hendon was sent to Morehead to prosecute the case, while Z. T. Young defended them. Cook Humphrey was tried for shooting Tolliver, and was acquitted. The other case came to nothing. About all Gen. Hardin accomplished was to get them indicted by the Rowan county grand jury on the charge of carrying concealed deadly weapons.

Jeff and Alvin Bowling, two of the prominent figures in these tragedies, have been disposed of by other courts than those of Rowan county. Jeff Bowling killed his father-in-law in Ohio, and is to be hanged in August. His brother Alvin killed Town Marshal Gill in Mt. Sterling, and has been sentenced to twenty-one years in the penitentiary. All the other living actors in this series of tragedies are at large and untried. Morehead while this article is being written.

**MINOR MATTERS.**  
In addition to these occurrences there have been numerous skirmishes in which no one was killed. At one time Cook Humphrey and Howard Logan, Matt Carey and two or three others of their friends were besieged in the Gault House in Morehead, and dozens of shots were fired, but they did no damage beyond rattling the doors and windows.

After the term of court last week at the leaders of the feud came to Louisville and the paternal auspices of Gov. Knott, who signed a treaty of peace, which they agreed to keep forever, and actually did so for almost a year, when it was broken by the fight in which young Will Logan was fatally wounded.

After this came the celebrated case of July, one year ago, in which Cook Humphrey and Craig Tolliver agreed to leave the State forever, and which they kept about four months. Tolliver returning in that time.

**TOLLIVER AS A JUDGE.**  
All was quite until last March, when suddenly Craig announced that he was a peaceable citizen, a good man and a candidate for Police Judge of Morehead. He then went out to do his canvassing, with a Winchester rifle over his shoulder. When Craig announced himself all other candidates withdrew. He drew precipitately, and when election came he was alone in the field. Forty-five votes were cast by Tolliver, and Craig was elected. This gave him power to issue warrants, and led up to the most notorious crime of the whole feud—the killing of the Logan boys some two weeks ago.



and took to the adjacent bush, which, once reached, would afford them a secure escape. But as they made the rush they were met by a tremendous volley, which killed Craig Tolliver, Bud Tolliver, Jay Tolliver and Hiram Cooper. They were all shot through the

head and died instantly. Craig Tolliver seems to have been a general target, as he was so

**THOROUGHLY RIDDLED WITH BULLETS** as to be scarcely recognizable. The other men of the gang got through the line, and probably thought they were safe, but as they approached the bush they were met by a volley from the outside cordon, a line of men stationed ten or twelve feet apart all around the town. This volley wounded Cate Tolliver, a twelve-year-old boy, and three others, all of whom were captured, except Cate Tolliver, who crawled into the brush and is still at large. The balance of the gang, three in number, also escaped to the bush, but one of them has since been captured. Whether the other two were wounded or not is not known.

#### PEACE BOUGHT WITH BLOOD.

This brought the battle to an end, and the slain were gathered up and laid out on the street, where they were viewed by the people and by the passengers from the train.

Hiram Cooper, one of the dead Tolliverites, was probably the immediate cause of the outraged law being at last vindicated. He was a notorious character and a very desperate man. Several weeks ago notices were posted about Morehead, notifying him that he must leave Rowan county on account of his numerous thefts. It is stated that Allie Young, son of Z. T. Young, impressed upon Cooper that he ought to get out warrants against somebody for posting up those placards, and it was finally determined to settle the authorship of the placards upon the Logan boys, especially as that would be convenient to Craig Tolliver, who wanted them out of the way, and could find some good excuse to murder them.

#### MURDER OF THE LOGAN BOYS.

Accordingly warrants charging the Logan boys with kidnapping were made out, and they were arrested and murdered, the excuse for the murder being that they had resisted arrest and fired upon the arresting officer's posse.

And so at last the bloody war in Rowan county is ended, after the almost complete extinction of the original Martin and Tolliver factions, who began it nearly four years ago. During the troubles twenty-one men have been killed and as many more wounded; thousands of dollars' worth of property has been left to destruction by the owners being compelled to flee the country for their lives. But the law at last is vindicated, and has asserted its authority, and bloody Rowan may at last hope for peace and prosperity.

#### SOME SLIGHT DIFFERENCES.

But the fact of the slaughter corroborated by another correspondent.

Mr. Struening, June 22.—(Special.)—The incidents of to-day in Rowan county will long be remembered above all others by its inhabitants, and will form in the State's history a page of special interest to those who are now too young to be impressed by its scenes of conflict and internecine war, which for many months have kept the people of that section in an almost constant state of terror and alarm. To-day supplements the Rowan war with the death of Craig Tolliver, Bud Tolliver, Jay Tolliver and Hiram Cooper. Bud Tolliver and Jay Tolliver are cousins of Craig Tolliver, and Hiram Cooper is the same man who swore out the warrant

position, and that his object was to silence him by fear. But the clouds of vengeance had been slowly gathering, and today they burst, quenching in blood the flames of hatred, engendered by years of strife.

Early this morning men began to arrive in the vicinity of Morehead. They came by squads, numbering from half a dozen to a score. They came from Rowan, Carter, Elliott, Boyd, and Fleming counties, and were armed with Winchester rifles, shot-guns, revolvers, and a long-squirrel rifle of the Daniel Boone pattern. By 8 o'clock the town was invested by two hundred and fifty earnest, determined men. They made but little noise, but with grim set features they proceeded to the work before them. They guarded all avenues of escape, and then went in search of the Tollivers, who were soon found. A demand for their surrender was met by a prompt refusal, and the firing began. The depot and immediate vicinity was the scene of the battle, which continued with various intermissions for two hours. Early in the action Craig Tolliver started from the depot to his saloon across the street, but before he had gone half the distance he fell.

#### PIERCED BY A DOZEN BALLS.

Shortly afterward Bud Tolliver was killed in the eastern part of the city, and later on Jay Tolliver went down before a storm of bullets. Near the scene of his chieftain's fall, Hiram Cooper, the man who swore out the warrant that caused the death of the Logan boys, was the last to fall. Andy Tolliver and John Rogers could not be found, and when your correspondent left parties were searching for them with an avowed determination to finish the job so well begun.

As the dead men lay side by side upon the floor of the saloon, with wide open but unseeing eyes, the shrieks of their wives and little children were enough to melt a heart of stone. The west-bound passenger train was detained for several hours by the battle, in order to prevent the escape of the doomed persons. No quarter was asked or given, for all knew that it would be useless. Dawson Madden was wounded in the hip, being the only one of the attacking party hurt. The occupants of the Martin homestead, which had been burnt and rebuilt during the progress of the feud, hastily vacated, in expectation of its former fate, the occupants removing their household goods to a place of safety.

#### REJOICING AT PARIS.

**Removal of the Desperadoes Meets Universal Approval.**

PARIS, June 22.—(Special.)—There is universal approval here this evening over the news from Rowan county stating that Craig Tolliver and several of his gang were killed at Morehead this morning. He was the worst desperado ever known to the State. Dr. Logan, father of the Logan boys, who were shot and killed by Tolliver and his murderers, a few days ago, was in Paris this evening. He is a good-natured, prepossessing looking gentleman of seventy years, and not the desperado that Tolliver has tried to make him out. He was pardoned last week by Gov. Knott, and released from the Lexington jail, where he had been confined on a charge of plotting to kill some of Tolliver's

friends. The Doctor is at present living with his son-in-law, John A. Wilson, of this county, and will not go back to Rowan county until everything has quieted down. During a conversation with him to-day he did not utter a word against Tolliver, but his feelings can be nothing but the bitterest against Tolliver, the murderer of his two sons.

#### A PASSENGER'S STORY.

**The Three Tollivers and Cooper Laid Out in the Cottage Hotel.**

Mr. C. S. Nield, of Altamont, Laurel county, arrived in the city at 8 o'clock last evening, having just returned from a trip to New York. He came by the Chesapeake and Ohio railroad, and at 1 o'clock yesterday afternoon passed through the town of More-

The feed of the Tollivers and the Martins dated from the August election of 1884, and, like nearly all these mountain vendettas, originated in politics, and the hatred of the hostile families has probably been fanned and kept alive by shrewd politicians wishing to turn these things to their use. In 1884 Cook Humphrey, a young man of twenty-five and a Republican, and Sam Gooden, a Democrat, were candidates for Sheriff of Rowan county, which on a full vote had ordinarily gone Democratic by a small majority. The contest was bitter. The mountaineer is an intense politician. He had rather than forswear his party, and is ready to believe that a man on the other side would poison his father. Gooden lived in Morehead, and Humphrey resided on his father's farm about seven miles from the county town. Election day came and Humphrey was elected by a majority of twelve votes.

#### ONE DEAD AND AND WOUNDED.

On this election day occurred the first tragedy. William Trumbo and a man named Price quarreled, and contrary to the mountain rule, which calls for rifles or pistols, were fighting with their fists. John Martin, a son of Ben Martin, a well-to-do old farmer who lives one mile and a half from Morehead, was struck in the face with a heavy instrument, and one of his teeth was knocked out and his forehead badly bruised. He afterward said that John Day and Floyd Tolliver struck him. He sprang to his feet and pistols were drawn. Solomon Bradley, a middle-aged man, with seven children, was standing near, and was shot dead, receiving two bullets through the skull. The Martins said that John Day shot him. The Tollivers claimed that John Martin did it. There were quite a number of witnesses, but no court ever decided who did it. Ad Seymore, another man who was not concerned in the controversy, was shot in the neck but not fatally wounded. This began the feud. In this killing originated the hatred of the Tollivers and the Martins, and as the relatives of each family allied themselves to their kindred, almost the entire county, with re-enforcements from Carter, Elliott and other surrounding counties, was involved.

#### THE CAST OF CHARACTERS.

As was before stated, old man Martin lived a mile and a half from Morehead. His son John resided near by. Another son, Will, was a citizen of Morehead, and still a third, Dave, resided in Carter county. The Tollivers were several in number. Marion, Craig and Floyd were brothers. Marion and Craig lived in Morgan county and Floyd in Rowan. Bud, Jay and Wiley Tolliver, their cousins, were inhabitants of Elliott county. Friends of theirs were Mace Keeton, Jeff and Alvin Bowling, Tom Allen Day, John Day, Boone Day, Mich Day, Jim Arkley, Bob Maser and others. All were Democrats.

The Martins were Republicans and friends of Cook Humphrey, who, with his brother Gave, had during boyhood boarded at their house and gone to school in Morehead. Howard Logan was another friend of Humphrey, and so was Mat Cary, the County Clerk. All were Republicans, and they nursed the animosity resulting from the death of Solomon Bradley.

#### THE SECOND ACT IN THE TRAGEDY.

The second man to fall was Floyd Tolliver. The account of the Martin faction is as follows: In the December following the August election John Martin went to Morehead in order to pay to John Tippet a small debt he owed him. There he met John Day, Sam Gordon and Floyd Tolliver. The latter went up to Martin and said:

"John, you have been wanting to bulldoze me, but I am not going to permit it."

"I haven't tried to bulldoze you, Floyd," replied Martin.

"Yes, by G—, you have," returned Tolliver, "and I am not going to permit it. I want you to understand me."

Martin turned and walked into the bar-room of the hotel now called the Gault House, and was followed by Tolliver, Day and Gordon remaining behind. Inside Tolliver re-

sented at a funeral, after Cook Humphrey and Ben Rayburn," said Mrs. Martin, a woman of between sixty and seventy, as she sat on the porch of a log hut. "During those days nobody lived at our house except defenseless women. Besides myself there were my two grown daughters, Sue and Annie, my little daughter, Rena, also my married daughter, Mrs. Tusser, was at my house the day Rayburn was killed. My husband had gone to Kansas. He had received several warnings that he would be killed if he didn't go, and 'we women folks persuaded him to leave, although he did not want to do so. My two sons, Will and Dave, had also been threatened, and they too had gone to Kansas."

"It was Sunday when the Tollivers came. Cook Humphrey and Ben Rayburn were at my house. They spent the night there. Cook

In the following month Taylor Young, the County Attorney of Rowan, was shot from ambush and wounded. Young is a man of different stripe from the others who had hitherto figured in the vendetta. He is a shrewd man and a lawyer of ability. He emphatically disclaims any connection with either the Clan Tolliver or the Clan Martin, but the latter says he is banished with their enemies. Young stated to your correspondent that he believed both sides had committed wrongs, but he believed the Martins were guilty of the most.

While out on business, riding along three miles from Morehead, a bullet from a Winchester rifle, fired from the bushes along the roadside, lodged in Young's shoulder. It was not known at the time who did it. Not long after El Pearce was arrested in Montgomery county on the charge of highway robbery, James Hagerman being his victim, and was tried in the Montgomery Circuit Court and sentenced to seven years in the penitentiary. While in the Mt. Sterling jail Pearce confessed that he and Ben Rayburn ambushed Young, but Rayburn fired the bullet which lodged in his shoulder. He said that Cook Humphrey had promised them \$2 a day and all the whisky they wanted while watching for Young, and \$50 when they killed him. He said Humphrey paid them \$7.50 apiece after shooting Young. This confession was made to Jeff Bowling and Allen Young, a son of Taylor Young, who visited the prisoner in the Mt. Sterling jail. Pearce afterward said that the confession was extorted from him by the two men, and was not true. This was conclusively proven at the trial, when it was stated by Pearce that he was forced to make the confession by the Tolliverites, who threatened to take him to Mt. Sterling if he did not, and that meant certain death.

#### THE DESIRED HOUSE.

The fourth man slain was also a member of the Martin faction, and another deputy of Humphrey. As usual the accounts of either side are widely at variance, and both will be related. The females of the Martin family were witnesses to the tragedy, and the story comes first. The Martin house, which was buried by the Tollivers, was a substantial two-story building, the front portion of frame and the other of logs, standing about thirty feet from the public road. Back of a hill covered with dense underbrush sloped to the height of a couple of hundred feet. On the other side, opposite the road, are the stables, and a few hundred yards off was the residence of Richmond Tusser, the son-in-law of Ben Martin. The Chesapeake and Ohio railroad runs in front of the Martin house not seventy-five yards off. To the north east stretches a long, narrow valley of level fertile valley. On the side of the burn house the framewords for a new residence were now erected.

#### WHAT A WOMAN SAYS.

"Craig Tolliver and his gang came to a house early in the morning, during my

absence at a funeral, after Cook Humphrey and Ben Rayburn," said Mrs. Martin, a woman of between sixty and seventy, as she sat on the porch of a log hut. "During those days nobody lived at our house except defenseless women. Besides myself there were my two grown daughters, Sue and Annie, my little daughter, Rena, also my married daughter, Mrs. Tusser, was at my house the day Rayburn was killed. My husband had gone to Kansas. He had received several warnings that he would be killed if he didn't go, and 'we women folks persuaded him to leave, although he did not want to do so. My two sons, Will and Dave, had also been threatened, and they too had gone to Kansas."

"It was Sunday when the Tollivers came. Cook Humphrey and Ben Rayburn were at my house. They spent the night there. Cook

shots were fired at him. He ran off to the house where his mother was and gave the alarm. She, too, came to the house, and the besiegers allowed her to go in. The news of the affair was carried to Morehead, but nobody in this town of 500 inhabitants dared to go to the relief. She Martin, the eldest daughter, made her escape out of the house. As she got outside she was met by Craig Tolliver, who, with his face still covered with the blood from his wounds, threatened to kill her if she dared to go to Morehead. She was a woman of spirit, and made a dash through the bushes, with Tolliver in pursuit. He fired two or three shots at her, but she eluded him until she came to a ditch which had been cut in a place of low land. She lay down in this and escaped, observation until nearly night, when she went to town, where she was immediately arrested by others of the Tolliver faction and put in jail.

#### FLEEING FOR LIFE.

In the afternoon the besiegers threatened to set the house on fire if Humphrey and Rayburn did not surrender. The latter decided to make a break for life. It was then about 4 o'clock in the afternoon, and during the day several hundred shots had been fired. Trains loaded with people had passed by in sight, and quite a number of persons had approached to interfere, but had grown afraid and had gone back. Mrs. Martin aided in the scheme for escape. She went out to the stable where Tom Allen Day, one of the best marksmen, was ambushed, and when he prepared to shoot at the fleeing men, knocked up his gun. The fugitives rushed out at the eastern door, leaped the yard fence, and dashed across the cornfield toward the mountain and the forest. The entire band rushed forward in pursuit, firing as they went. They rested their guns on the yard fence and took good aim. The fugitives were over a hundred yards off, when one of them fell. It was Rayburn. Humphrey escaped into the bushes and hid. The pursuers, knowing he was armed with a Winchester, were afraid to go in after him.

#### SEEN FROM THE BUSH.

Humphrey says that he lay in the undergrowth and watched the crowd come up to Rayburn's body. They fired several more shots into it, and then robbed him and divided the money. Humphrey says he watched them all the time, and had his Winchester cocked with his finger on the trigger. After taking Rayburn's money they went back to the house, leaving the body where it fell.

But to return to Mrs. Martin's story. She says that the gang remained all around the house, and after dark set it on fire. She put out the blaze, but they ignited it again, and the house and all the furniture were consumed. Mrs. Martin and her daughters ran across the fields into the woods, and were fired on as they ran, but were not touched. All except one daughter spent the night under a tree. The daughter went to town, was arrested and put in jail with her sister. The dead body of Rayburn lay where it had lain for thirty-six hours. Mrs. Martin

Tolliver issued a warrant charging the boys with kidnapping, and placed it in the hands of Marshal Manning. Accompanied by a posse of twelve men, including Tolliver, Manning went to Dr. Logan's home, about two miles from Morehead, where his sons were staying, on Thursday afternoon, and demanded their surrender, saying he had a warrant for them. Knowing the material of which the posse was composed, and that the "arrest" meant nothing more or less than their murder, they declined to surrender. The posse made an attempt to enter the house, when Jack Logan, the youngest of the boys, fired, severely wounding Manning. The counsel of the elder Logan then prevailed, and they gave themselves up to the posse, under promise that they should not be harmed, and given a fair trial, and that their house should not be burned.

Thirty steps from the house some one of the posse told the boys that they were there, and notwithstanding the explanations of Sheriff Hogg, they were rushed upon and shot down in cold blood. About twenty buckshot and pieces of slugs were fired into each of the bodies, which were completely riddled. To add to the horror of the scene, after they were killed their faces were mutilated by kicking.

Hugh Clark and wife, of Morehead, friends of the dead men, soon hearing of the shooting, proceeded to the spot and recovered the bodies to the home of the slain. The bodies were kept all night. On Friday they were given a decent burial in Dr. Logan's graveyard.

Craig Tolliver wanted Dr. Logan to swear off the charge against him. His sons, who have been witnesses in his behalf, and whose testimony would, doubtless, have cleared him of the charge. Tolliver, knowing this, concluded it was best they should be kept out of the way.

#### THE DEATH ROLL.

Up to the culmination of the feud the extermination of Tolliver there were thirteen deaths, among them the following: Solomon Bradley, John Martin, Willie Rayburn, B. Caudelle, Deputy Sheriff Manning, Mason Keeton, John Marlow, John Day, Wiley Tolliver, a railroad engineer, John Witcher, Willie Logan, Ben Rayburn, John Day, Floyd Tolliver, and a party of unknown name, John H. Logan and W. H. Logan.



from devouring it. Monday evening it was taken to town and placed in a pine coffin in the court-house. That night one hundred and fifty militia, under the command of Maj. Lewis McKee, arrived. Maj. McKee took a bayonet and prised the lid off Rayburn's coffin. The body was afterward buried near town. Before the militia arrived the Martin girls were released from jail. There was no charge against them.

After the militia arrived the Tollivers, Day, etc., had their examining trial before Requisite William Phillips and William Moore. Moore was for holding them without bail, and Phillips was for their acquittal. They retired to the room on the second floor for consultation. When they came down Moore gave his opinion. Phillips hesitated.

"Do what you said you were going to do when we were up stairs," said Moore, impatiently.

"Well, then," said Phillips, "I guess the boys did right in killing Rayburn."

The Magistrates could not agree upon a punishment, and they were all discharged.

#### THE CRIME CONTINUED.

The Tollivers are added to their side of the story. They say they did have weapons for the arrest of Humphrey and Rayburn, and that they tried to induce them to surrender peacefully, the two men refusing to do so. They say that they offered to talk to Cook Humphrey if he would come to a window without a gun. He did so, and they again refused that he persuaded him to surrender, when they might have shot him. They deny setting the house of the Martins on fire, and say that the Martins themselves did it in order to obtain the insurance. It remains for a court to say which side has told a truthful tale.

#### THE CRIME CONTINUED.

The killing of Rayburn created a sensation.



## Local Trivia

### Murder Plot

■ The crowd of avengers met, as arranged, on the Thursday night. All were dismissed save seven of the shrewdest and most trusty.

## SECTION C

# History

THE MOREHEAD NEWS, DECEMBER 5

## About the Author



Dr. Jack Ellis is a retired Morehead State University Library director and a retired minister.

# Morehead Memories:

## People & Places

### Rowan County War

By Jack D. Ellis  
Special to The Morehead News

By Edward T. Moran  
of Morehead, Rowan  
County, Kentucky  
(pseudonym of Cora  
Wilson Stewart)

The Nov. 7 bitterly contested election in three counties in Florida is reminiscent of a bitterly contested election in Rowan County Aug. 10, 1882.

Although the results of the elections were not nearly as important as the one that resulted in tragedy and bloodshed that it became known as the Rowan County War. Twenty-two people died during the three years of the feud. Also, years later, many of the men involved in the feud met a violent, mysterious and bizarre death.

The story of the Rowan County War was published in the World Wide Magazine Vol. IX No. 52, Aug. 1902. The author was listed as Edward T. Moran of Morehead, Rowan County, Kentucky. That name was a pseudonym used by Cora Wilson Stewart in some of her early writing because it was easier for a man to be published. Also, I'm sure even at the time (1902) there was still some of the bitter anger that smoldered among the factions.

Cora Wilson would have been 8 years old at the time. She claims she witnessed this

discuss measures of peace and compromise that their plans were thwarted and that the threatened trouble had already begun.

Police officers hurried to the spot, where they found two men lying dead and one wounded. All were of the Republican Party - two prominent partisans while the other was an innocent bystander, who had committed no offense save cast his vote for the party of his choice.

While the excitement over the shooting was at its height the result of the election was announced, giving victory to the Democratic Party. This infuriated the Republican leaders still more. They were certain that their murdered men had been the victims of partisan feeling, and they clamoured for the detection and punishment of the guilty parties.

The entire county was soon in a commotion. The women and children trembled with fear and apprehension, while the men folk collected in crowds in every place throughout the county and discussed the result of the election, the crime, and possible apprehension of the murderer. Suspicion pointed to Floyd Tolliver, a hotel proprietor in the town of Farmers, eight miles from the county seat, but this suspicion was based solely upon his



by the Democrats to be for his protection against mob violence.

Next day Martin was hastened to Winchester, a "bluegrass" town beyond the border of the feudal section. None too soon was this precaution taken, however, for in a dark and lonely ravine, known as "Gloomy Hollow," two miles from the town, were gathered twenty men who had determined to break into the jail and kill the murderer of their friend Tolliver. Although temporarily baffled, these self-constituted avengers were not beaten, and their leader - one

train and were whirled away through "bluegrass" country. Darkness enveloped everything, and an occasional twinkling light in a distant farm-house was the only thing to be seen. Shepherd was taciturn, and seemed steeped in gloomy meditation; he was apparently very careless of his prisoner, but as a matter of fact, his eye never once wandered or relaxed his vigilance.

When they reached the

town of Mt. Sterling, some twenty miles from Farmers, he rose with a nonchalant air, and with a voice of studied carelessness said, "Come Martin, let us go into the smoker and take a puff." It was at the hour of eleven that Shepherd and his prisoner entered the smoking car and seated themselves, Shepherd placing himself on the side next to the aisle.

Just at this hour I was hastening from my home in Farmers to the bedside of a dying friend. In order to reach the place quickly I took an old deserted road, and when hurrying along about a mile from the village I had just soft sounds of galloping horses' feet arrested me and alarmed me, for I was aware of the great excitement that prevailed.

Accordingly, as a measure of precaution, I jumped behind the stump of a gigantic tree to await the passing of the horsemen. As they drew near, they slackened their speed and finally stopped and dismounted within 10 feet of me. I was almost paralyzed with fear, thinking that my presence would be discovered, but I soon found that they had only stopped to review some plan.

I recognized each voice, and in a few moments was made

acquainted with all the details of the terrible deed to be committed that night. They discussed the location of Shepherd and his prisoner in the car. There were six of them, and I gathered three would "hold up" the engineer while the others would locate the prisoner, shoot the lights out, and then attack him.

Shepherd was to dodge beneath the seat to avoid injury to himself. After repeated instructions and careful cautions they remounted, and, hearing the whistle of the train in the distance, put spurs to their horses and galloped on.

I was rooted to the spot with horror, there was no time to save Martin from his fate, for the train was almost due. I saw that I was powerless to do anything, and too frightened to think coherently, I hurried on as fast as my trembling limbs would carry me to the bedside of my friend. No minister being present, I prayed and soothed him in his dying hours. I was in a state of agitation and spent a night in indescribable horror.

Next morning the country rang with the news of John Martin's death: how six masked men had held up the train at Farmers; how three

See WAR on C-2

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event. She did live in Farmers where the event happened. Less than a month after, she claimed to have witnessed the event. The family moved to Elliottville but her detailed story written in the first person 19 years later clearly is written by someone who was actually there. Perhaps she was with her physician father whom she often accompanied on house calls when she saw a murder being planned and was afraid for her life.

This is her story:

Kentucky feuds have long been celebrated in song and story, but no feud has ever been so expensive to the state, so demoralizing to the people and so disastrous to life and property as the terrible "Rowan County War," which had its beginning and its end in the little town of Morehead. Blood flowed almost as freely as water, and both the county and the state officials were powerless to prevent the great loss of life.

Many are the thrilling narratives that have been written concerning this feud, but the greatest tragedy of the conflict, and doubtless the most mysterious ever enacted on Kentucky soil, has for years been locked securely in the bosom of this writer. All the participants having now gone to their rest, however, and secrecy no longer being necessary, I have decided to give it to the public in all its strange and terrible detail.

On the 10th day of August 1882, the county election was held in Rowan County. At Morehead, the county seat, were gathered some of the most desperate men in the district. Excitement ran high, for everybody realized that the election meant more than the triumph of one section over the other and a division of party spoils, but that to the winning party it would mean great loss of life.

While the more law-abiding citizens were discussing the best means of averting trouble a pistol-shot rang out, and answering ones promptly resounded through the air, proclaiming the anxious throng who had collected to

well-known party prejudices and the fact that he was close to the scene of the murder when officers arrived.

He was a man of prepossessing appearance, tall and well-built, and of a jovial temperament. It seemed preposterous to his friend to think that he was capable of such a crime.

For months nothing happened, and one day in the February following, Floyd Tolliver went to purchase supplies for his hostelry. It being the regular county court day many citizens were there, some to attend to their claims and business and others for pleasure. Conspicuous among the latter was John Martin, champion of the Republican Party and a well-known bully and desperado of Eastern Kentucky. Meeting Tolliver in the street that day about noon he greeted him pleasantly and invited him to step across to the saloon at the opposite corner and join him in a social glass.

Though there had been some bitter feeling between them, Tolliver, being a good-natured man, forgot all past differences and accepted the invitation, with no thought of impending danger. While drinking and talking together the shooting was mentioned, and a hot dispute ensued, whereupon Martin, true to a premeditated plan, shot Tolliver dead. The muffled sound of the pistol reached the officers at the courthouse, and they were on the spot almost before the smoke had cleared away.

Martin was discovered in the middle of the floor with his pistol in his hand, complacently marking on it the notch which chronicled his ninth victim. The officers secured the doors and windows and, seeing that escape was impossible, Martin surrendered without resistance. He was hurried to the county jail a few yards distant and in less than half an hour a strong guard had been placed around the building by a Republican marshal - ostensibly for the purpose of preventing the prisoner's escape, but believed

Shepherd - arranged another meeting in the Hollow the following Thursday.

Meanwhile Martin, in the custody of the sheriff and accompanied by a devoted and sorrowful wife, was speeding away toward the peaceful town of Winchester. His friends now busied themselves with schemes for his escape. They met, and plotted how they might secure his freedom. The other faction, however, were occupied with a plot, intricate and dreadful, for the immediate execution of a guilty man.

The crowd of avengers met, as arranged, on the Thursday night. All were dismissed save seven of the shrewdest and most trusty, the others being conciliated by the assurance that they would be called again when the plot was complete. Plans were then submitted and discussed, but none found universal favor until Shepherd unfolded his scheme. It was a simple idea and one easily executed, but was ultimately to bring ruin and untimely death to each of the participants.

Shepherd's plan was as follows: an order was to be forged, purporting to be from the county judge to the jailer at Winchester, ordering him to deliver Martin to the bearer of the order. Shepherd - who was then marshal of the town of Farmers - would present this order and take the prisoner. Once in his custody, Martin would never escape. The other six conspirators were to board a train at Farmers and "hold up" the train while the others shot Martin.

Shepherd duly presented himself at the Winchester Jail on the Saturday night following and delivered the forged order to the jailer, who had no suspicion to the real state of affairs. Shepherd waited for his prisoner at the entrance.

Not a word of greeting was exchanged between them, and after parting from the jailer Shepherd, accompanied by the prisoner, walked rapidly to the railway depot, reaching it just as the east-bound train came puffing in. They boarded the



# War From C-1

appeared in the doorway of the smoking car, and extinguishing the lights as if by magic, fired one with accord at the manacled man. Their aim was excellent - Martin dropped mortally wounded.

Meanwhile, the frightened occupants of the carriage scrambled wildly for the door. Others from the next carriage rushed up, and a scene of wild confusion ensued. The lamps were again lighted, but there was no trace of the masked men; they had disappeared as suddenly and as silently as they came. The terrified passengers assisted in trying to minister to Martin, who was still living, and when the train reached Morehead he was carried to the nearest inn and a messenger dispatched to carry the sad tidings to his father and mother.

The messenger found a band of desperate men assembled at the Martin's house planning the release of their leader on the morrow, but their plans could avail him nothing now. The bearer of evil tidings broke the news as best he could. Grief and consternation were depicted on every countenance, and with one accord Martin's supporters hurried to the inn, to find the dying man breathing his last. He was able to utter but one word - "Revenge;" but these wild children of the feud country understood, and swore vengeance in his dying ears.

Martin was buried two days later. But what of his murderers? There was not the slightest clue to their identity. I dared not reveal my knowledge of the crime, for it only meant certain death to me and more bloodshed in the county. Besides, how could I substantiate my story against seven men's denial? So the crime and its perpetrators have always remained a mystery.

Thereafter, terrible tragedies followed each other in quick succession, and although I noted them with increasing horror, my lips performed remained sealed.

I will now proceed to set forth the strange fate which befell the seven conspirators.

Julian Welch, a man of unusual brilliancy of mind and nobility of character, a much-respected citizen of Farmers, had been persuaded to join the

dastardly crime. Being a man of tender conscience, he brooded until life became unbearable, and finally sought to drown his remorse in headlong dissipation. He finally came to an untimely end on the first anniversary of the night when he aided and abetted in the murder of John Martin. He died raving in delirium, beseeching the watchers again and again to "burn the order; burn the order." They, of course, did not understand him.

We will now follow the career of William Colton, a man who had served for year as one of the county's best officials. He continued to live in Morehead for some months after the Martin tragedy, and quietly pursued his avocation, which was the practice of law. But the fear of discovery lay heavy upon him, and he moved back farther into the mountains, to Martinsburg, thinking thereby to ensure his safety.

Soon after he settled there a terrible crime was committed in the locality and suspicion pointed to Colton. He was arrested, tried and convicted upon purely circumstantial evidence. The judge, as if inspired by Fate, fixed the day of the second anniversary of John Martin's death as the date of his execution! The convicted man was duly hung on the appointed day, although loudly protesting his innocence to the last moment.

Three weeks later the real murderer, being no longer able to bear the weight of a guilty conscience, confessed to the murder and thus declared Colton's innocence. But it was too late! William Colton had gone to answer for his share in the tragedy at Farmers.

Some months later it was whispered that one of Morehead's most prominent citizens had become mentally imbalanced. For days he would walk and talk incessantly, and when unable to secure a companion in his rambles would hold conversations with some imaginary person. This mood was followed by the strictest seclusion. He was gloomy and taciturn, and would see none of his friends or acquaintances. His family kept the matter suppressed for weeks, until finally he conceived a maniacal hatred

on the same fatal day of the year that John Martin was shot! It was the third anniversary.

The man was sent to the Lexington Insane Asylum, and there he remained until the day of his death some months later. I have since heard from officials who accompanied him relate that when the train reached the town of Farmers he became so violent that it required the assistance of four passengers to hold him down. No one could account for the agitating effect of that quiet, peaceable little village upon the diseased mind; but to one acquainted with the case, as I was, it seemed perfectly clear.

Three years had now passed, each bringing its terrible result to some one of the guilty band. I had in the

meantime lost trace of John Wheeling, one of the chief plotters in the gang, and one whom I remembered as the most noisy when discussing their plans on that fateful night. I chanced one day to pick up an Ohio paper, and was stricken speechless with astonishment to find the picture of John Wheeling - a prisoner awaiting trial for the murder of his father-in-law! I followed the proceedings of the trial very carefully. No motive could be assigned for the deed, but John Wheeling was given a life sentence, and on the fourth anniversary of his midnight ride to Farmers he donned a convicts garb and gave up home and freedom for a crime of which he stoutly declared his innocence and for which no just cause or reason

has ever yet been found!

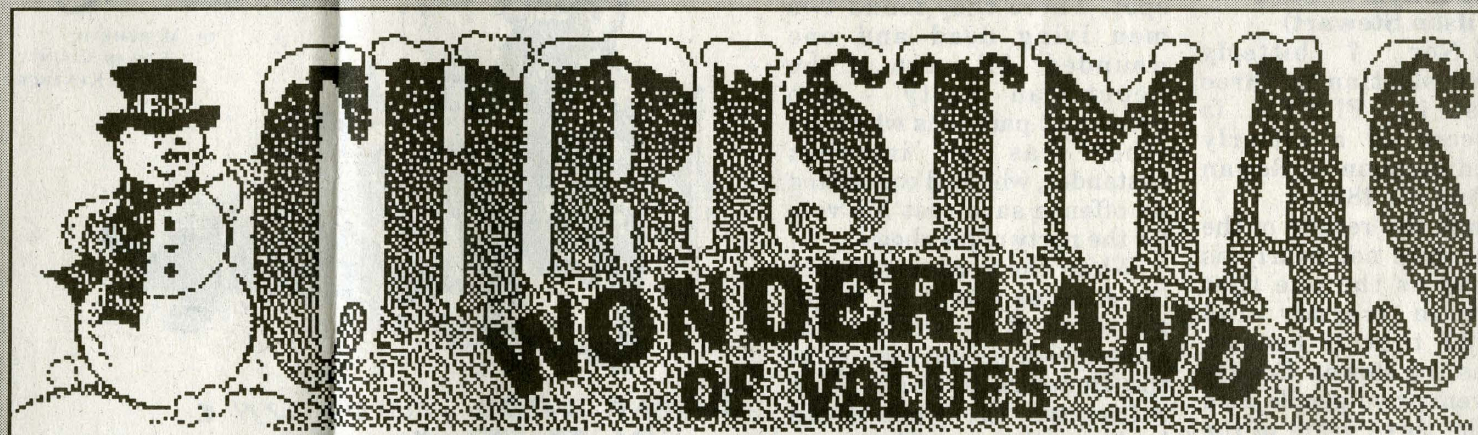
Hitherto I had not connected the catastrophes which befell these men with the murder of John Martin, but now I began to note the mystery of it all, and found myself looking forward to the 3rd day of March with excitement and dread. The fifth anniversary, a beautiful day for the season of the year, passed off without any evil occurrence, and I felt greatly relieved. But night came with another misfortune wrapped in its gloomy curtains.

Andrew Tolliver was a prosperous farmer living some five miles distant from the county seat. He had sold the products of his farm a few days before, and came in on the 3rd of March to deposit the year's earnings in the safe of a

merchant friend in town, there being no bank nearer than thirty miles at that time. He seemed unusually cheerful and jolly that day, meeting his fellow farmers along the road with a cheery greeting and passing jokes with all. "Andrew seems lively this morning," remarked one; "he must have had a good sale this year."

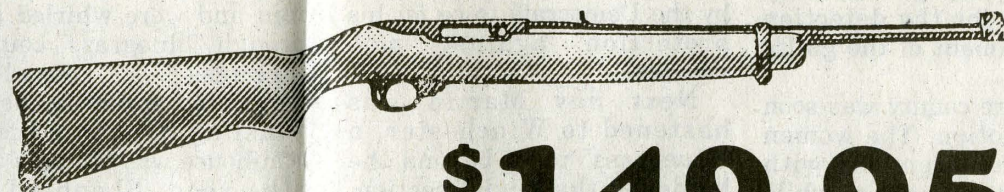
Tolliver lingered in town beyond his wonted stay, chatting with different friends. At dusk, however, he bade them "goodbye" and galloped out of the town towards home. But he was never destined to reach his home alive. He lingered so long in town that his family, becoming alarmed

See WAR on C-3



## Ruger 10/22

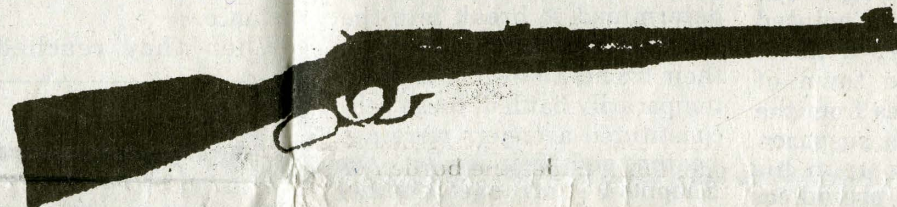
- 22 Cal. Rifle
- Blued Finish



**\$149.95**

## Henry Lever Action

- 22 Cal. Rifle



**\$189.95**



## War From C-2

at his prolonged stay, sent a boy of fifteen in search of him. The night was one of inky blackness. The boy rode on until he almost collided with a riderless horse standing still in the road. He held his lantern higher so that he could see the animal, and with a start recognized his father's saddle horse! His father was hanging from the stirrup covered with blood, and quite dead.

The boys pitiful cries aroused several persons, and soon a large crowd gathered and conveyed the body home. Morning had dawned by this time and the coroner was soon upon the ground making investigation. By bits of clothing and traces of blood they traced the victim back to the old homestead of John Martin, but what occurred at that spot still remains a mystery. The coroner's verdict was that Andrew Tolliver came to his death by being thrown from his horse and dragged along the road, the horse's fright being occasioned by something or someone just in front of the old, deserted Martin homestead.

Meanwhile John Shepherd was sojourning in the Kentucky Penitentiary, having been sentenced to imprisonment there for a term of twenty-one years for killing an officer in Mount Sterling, who attempted to arrest him for some misdemeanor. While he was in the penitentiary he conducted himself so meritoriously as to get into the good graces of the warden, and to secure greater liberty than other criminals of his class. He pretended to become converted, and was a devout worshiper at the prison chapel. His good conduct, together with the untiring efforts of his friends, secured his release after an imprisonment of only five years. He returned to his native county apparently a changed man.

While in prison he met a beautiful woman who visited the prison Sabbath school and

taught the Bible. They were associated much together, and she was one of the most untiring in the effort to secure his release, and ultimately married him.

Shepherd took a contract to oversee timber job in "Gloomy Hollow," and one day parted fondly from his wife to go and assign the work to the laborers, assuring her that he would return in a few hours. But he never came back. The day passed and he came not. Night came on and the woman watched anxiously, and still he did not make his appearance. The next day passed and the next night, and the poor wife was frantic. She had made but few friends, and could appeal to no one.

The next morning, however, just as she had succeeded in interesting the police-officials and had got them to start in search of him, the news came he was found. The man who found him was, according to the story, out hunting stray hogs, and when he reached the darkest part of "Gloomy Hollow," hearing some swine moving, he turned out of the path and proceeded in that direction. After going about 30 feet he was horrified to see the dead body of a man. It proved to be no other than Shepherd - stone dead, murdered!

When the officers set to work to find the assassin, they found only the spot where beaten down bushes had afforded him a place of concealment. The underbrush was broken and the earth trampled hard, showing that the murderer had been in ambush for several days, and that he knew the route traveled daily by his victim. It was evident to me that some of John Martin's avengers had been at work, although years had passed and the "Rowan County War" was supposed to have ceased and all the old enmity had been buried. It was but another mystery that baffled those who would have made it clear, while fear kept silent those who could have explained it. They moved the body of Shepherd into the old courthouse at Morehead.

While the watchers sat and discussed the terrible crime in whispers someone mentioned another crime in years gone by, and one of them said: "Do you remember the night when John Martin was murdered?"

"Yes," answered another. "But why?"

"I was trying to think of the date, that is all," he said.

"It was the 3rd day of March in the year 1883," said his companion.

"Good Heavens!" returned the first speaker. "If Jack was killed three days ago, as the doctors testify, he must have been murdered on the 3rd of March!"

They talked long on the subject and all agreed that it was a strange coincidence, for Shepherd was known to have delivered the forged order which secured the handing over of Martin. A strange coincidence indeed, but still none saw in this strange crime, as I did, the hand of the avenger.

No one was ever indicted for the murder of Jack Shepherd. The murderer has not been apprehended to this day, and no one ever dared to advance so much as a theory concerning who the person might be, lest they themselves share Shepherd's fate.

Only one of the conspirators was now living. He was a man of wealth and influence, and Providence seemed to smile upon him and bless him beyond the lot of his neighbours. He was a model citizen, and enjoyed a happy home and success in every undertaking.

"Surely," I thought, "this man will escape the Nemesis?"

Still, during the last days of February, I found myself looking forward to the 3rd of March with nervous dread. The nearer that day approached, the more apprehensive I became. My nights were troubled and filled with nightmares, and the days with gloomy retrospective thought and still gloomier anticipation. I had stood silent and powerless, watching these many tragedies growing out of one, until, under the burden of

an awful secret, I felt almost as guilty as the original seven conspirators.

Could I not in some way warn Gerald Walsh, or could I not, by keeping silent watch over him, save him from the hand of this invisible and inexorable Nemesis? I could not dispel the gloomy thoughts that filled my mind, and sometimes imagined that the succession of tragedies had almost turned my brain. When I looked at the calendar the date March 3rd seemed magnified to my distorted vision, and sometimes I seemed to see a red circle around the date.

When the 2nd day of March closed and night came on I could no longer bear the suspense, but resolved to go on the morrow, whatever the cost,

and warn Gerald Walsh. The night passed slowly, every moment seeming an hour, and when morning dawned I arose, looking worn and haggard. Without waiting to partake of our morning meal, I caught my horse and galloped to Morehead. When I reached the village I met two men, and, seeing that they were excited, stopped to inquire the cause.

"Gerald Walsh is dead," answered one. "He committed suicide last night!"

"What for?" I asked, horrified beyond expression at the news.

"He seemed cheerful as usual until yesterday, when his wife noticed that he appeared depressed."

"Did he leave no message?" I inquired, anxiously.

"Yes; he left a note pinned

to his pillow, saying, 'It is better to go out and meet your fate than run from it and be overtaken,' but no one understood what he meant."

But I understood - and like a flood of light the explanation broke in upon me. There had been another silent spectator to this ghastly series of catastrophes - one who was more vitally interested than myself. Reviewing the dread and horror I had suffered for days past I shuddered at the thought of the ordeal of apprehension through which this wretched man must have passed.

My life-long regret is, and ever will be, that my lips remained sealed until this long drawn-out tragedy had reached its bitter culmination.



## Local Trivia

### Murder Plot

■ The crowd of avengers met, as arranged, on the Thursday night. All were dismissed save seven of the shrewdest and most trusty.

## SECTION C

# History

THE MOREHEAD NEWS, DECEMBER 1

## About the Author



Dr. Jack Ellis is a retired Morehead State University Library director and a retired minister.

# Morehead Memories:

## People & Places

### Rowan County War Part I

By Jack D. Ellis  
Special to The Morehead News

By Edward T. Moran  
of Morehead, Rowan  
County, Kentucky  
(pseudonym of Cora  
Wilson Stewart)

The Nov. 7 bitterly contested election in three counties in Florida is reminiscent of a bitterly contested election in Rowan County Aug. 10, 1882.

Although the results of the elections were not nearly as important as the one that resulted in tragedy and bloodshed that it became known as the Rowan County War.

Twenty-two people died during the three years of the feud. Also, years later, many of the men involved in the feud met a violent, mysterious and bizarre death.

The story of the Rowan County War was published in the World Wide Magazine Vol. IX No. 52, Aug. 1902. The author was listed as Edward T. Moran of Morehead, Rowan County, Kentucky.

That name was a pseudonym used by Cora Wilson Stewart in some of her early writing because it was easier for a man to be published.

Also, I'm sure even at the time (1902) there was still some of the bitter anger that

best means of averting trouble a pistol-shot rang out, and answering ones promptly resounded through the air, proclaiming the anxious throng who had collected to discuss measures of peace and compromise that their plans were thwarted and that the threatened trouble had already begun.

Police officers hurried to the spot, where they found two men lying dead and one wounded.

All were of the Republican Party - two prominent partisans while the other was an innocent bystander, who had committed no offense save cast his vote for the party of his choice.

While the excitement over the shooting was at its height the result of the election was announced, giving victory to the Democratic Party.

This infuriated the Republican leaders still more. They were certain that their murdered men had been the victims of partisan feeling, and they clamoured for the detection and punishment of the guilty parties.

The entire county was soon in a commotion. The women and children trembled with fear and apprehension, while the men folk collected in crowds in every place throughout the county and discussed the result of the



resistance. He was hurried to the county jail a few yards distant and in less than half an hour a strong guard had been placed around the building by a Republican marshal - ostensibly for the purpose of preventing the prisoner's escape, but believed by the Democrats to be for his protection against mob violence.

Next day Martin was hastened to Winchester, a "bluegrass" town beyond the border of the feudal section.

None too soon was this

state of affairs. Shepherd waited for his prisoner at the entrance.

Not a word of greeting was exchanged between them, and after parting from the jailer Shepherd, accompanied by the prisoner, walked rapidly to the railway depot, reaching it just as the east-bound train came puffing in.

They boarded the train and were whirled away through "bluegrass" country. Darkness enveloped everything, and an

occasional twinkling light in a distant farm-house was the only thing to be seen. Shepherd was taciturn, and seemed steeped in gloomy meditation; he was apparently very careless of his prisoner, but as a matter of fact, his eye never once wandered or relaxed his vigilance.

When they reached the town of Mt. Sterling, some twenty miles from Farmers, he rose with a nonchalant air, and with a voice of studied carelessness said, "Come Martin, let us go into the smoker and take a puff."

It was at the hour of eleven that Shepherd and his prisoner entered the smoking car and seated themselves, Shepherd placing himself on the side next to the aisle.

Just at this hour I was hastening from my home in Farmers to the bedside of a dying friend.

In order to reach the place quickly I took an old deserted road, and when hurrying along about a mile from the village I had just soft sounds of galloping horses' feet arrested me and alarmed me, for I was aware of the great excitement that prevailed.

Accordingly, as a measure of precaution, I jumped behind the stump of a gigantic tree to await the passing of the horsemen. As they drew near,

they slackened their speed and finally stopped and dismounted within 10 feet of me. I was almost paralyzed with fear, thinking that my presence would be discovered, but I soon found that they had only stopped to review some plan.

I recognized each voice, and in a few moments was made acquainted with all the details of the terrible deed to be committed that night. They discussed the location of Shepherd and his prisoner in the car. There were six of them, and I gathered three would "hold up" the engineer while the others would locate the prisoner, shoot the lights out, and then attack him.

Shepherd was to dodge beneath the seat to avoid injury to himself.

After repeated instructions and careful cautions they remounted, and, hearing the whistle of the train in the distance, put spurs to their horses and galloped on.

### More next week

• Jack Ellis' next article will conclude Cora Wilson Stewart's account of the mysterious deaths of those involved in the murder.

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smoldered among the factions. Cora Wilson would have been 8 years old at the time. She claims she witnessed this event. She did live in Farmers where the event happened. Less than a month after, she claimed to have witnessed the event.

The family moved to Elliottville but her detailed story written in the first person 19 years later clearly is written by someone who was actually there.

Perhaps she was with her physician father whom she often accompanied on house calls when she saw a murder being planned and was afraid for her life.

This is her story:

Kentucky feuds have long been celebrated in song and story, but no feud has ever been so expensive to the state, so demoralizing to the people and so disastrous to life and property as the terrible "Rowan County War," which had its beginning and its end in the little town of Morehead. Blood flowed almost as freely as water, and both the county and the state officials were powerless to prevent the great loss of life.

Many are the thrilling narratives that have been written concerning this feud, but the greatest tragedy of the conflict, and doubtless the most mysterious ever enacted on Kentucky soil, has for years been locked securely in the bosom of this writer.

All the participants having now gone to their rest, however, and secrecy no longer being necessary, I have decided to give it to the public in all its strange and terrible detail.

On the 10th day of August 1882, the county election was held in Rowan County.

At Morehead, the county seat, were gathered some of the most desperate men in the district.

Excitement ran high, for everybody realized that the election meant more than the triumph of one section over the other and a division of party spoils, but that to the winning party it would mean great loss of life.

While the more law-abiding citizens were discussing the

election, the crime, and possible apprehension of the murderer.

Suspicion pointed to Floyd Tolliver, a hotel proprietor in the town of Farmers, eight miles from the county seat, but this suspicion was based solely upon his well-known party prejudices and the fact that he was close to the scene of the murder when officers arrived.

He was a man of prepossessing appearance, tall and well-built, and of a jovial temperament. It seemed preposterous to his friend to think that he was capable of such a crime.

For months nothing happened, and one day in the February following, Floyd Tolliver went to purchase supplies for his hostelry. It being the regular county court day many citizens were there, some to attend to their claims and business and others for pleasure.

Conspicuous among the latter was John Martin, champion of the Republican Party and a well-known bully and desperado of Eastern Kentucky. Meeting Tolliver in the street that day about noon he greeted him pleasantly and invited him to step across to the saloon at the opposite corner and join him in a social glass.

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While drinking and talking together the shooting was mentioned, and a hot dispute ensued, whereupon Martin, true to a premeditated plan, shot Tolliver dead.

The muffled sound of the pistol reached the officers at the courthouse, and they were on the spot almost before the smoke had cleared away.

Martin was discovered in the middle of the floor with his pistol in his hand, complacently marking on it the notch which chronicled his ninth victim.

The officers secured the doors and windows and, seeing that escape was impossible, Martin surrendered without

in a dark and lonely ravine, known as "Gloomy Hollow," two miles from the town, were gathered twenty men who had determined to break into the jail and kill the murderer of their friend Tolliver.

Although temporarily baffled, these self-constituted avengers were not beaten, and their leader - one Shepherd - arranged another meeting in the Hollow the following Thursday.

Meanwhile Martin, in the custody of the sheriff and accompanied by a devoted and sorrowful wife, was speeding away toward the peaceful town of Winchester. His friends now busied themselves with schemes for his escape.

They met, and plotted how they might secure his freedom. The other faction, however, were occupied with a plot, intricate and dreadful, for the immediate execution of a guilty man.

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Shepherd duly presented himself at the Winchester Jail on the Saturday night following and delivered the forged order to the jailer, who had no suspicion to the real



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## SECTION C

# History

THE MOREHEAD NEWS, DECEMBER 8

## About the Author



Dr. Jack Ellis is a retired Morehead State University Library director and a retired minister.

# Morehead Memories:

## People & Places

### Rowan County War Part II

By Jack D. Ellis  
Special to The Morehead News

This is an account of one facet of the bloody Kentucky feud known as the Rowan County War. It was published in World Wide Magazine in 1902. The author was listed as Edwin T. Moran of Morehead Rowan County Kentucky. That name was a pseudonym for Cora Wilson Stewart, who founded the moonlight schools in Kentucky. She writes about witnessing the planning of a murder during the Rowan County War.

She waited 19 years after the event to write about it because she was afraid for her life. This is her story about what happened to the six men who planned and carried out a violent act of vengeance.

Her story continues:

I was rooted to the spot with horror, there was no time to save Martin from his fate, for the train was almost due. I saw that I was powerless to do anything, and too frightened to think coherently, I hurried on as fast as my trembling limbs would carry me to the bedside of my friend. No minister being present, I prayed and soothed him in his dying hours. I was in a state of agitation and spent a night in indescribable horror.

Next morning the country

I will now proceed to set forth the strange fate which befell the seven conspirators.

Julian Welch, a man of unusual brilliancy of mind and nobility of character, a much-respected citizen of Farmers, had been persuaded to join the guilty seven through a misrepresentation of purpose. They convinced him that the killing of Martin was the only way of ending hostilities without many years of bloodshed and strife.

He was drawn into the plot believing the act to be one of patriotism and of justice. He forged the fatal order, and a short time afterwards realized he was a murderer, guilty of a dastardly crime. Being a man of tender conscience, he brooded until life became unbearable, and finally sought to drown his remorse in headlong dissipation. He finally came to an untimely end on the first anniversary of the night when he aided and abetted in the murder of John Martin. He died raving in delirium, beseeching the watchers again and again to "burn the order; burn the order." They, of course, did not understand him.

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The next morning, however, just as she had succeeded in interesting the police-officials and had got them to start in search of him, the news came

See WAR on C-2



along with the news of John Martin's death: how six masked men had held up the train at Farmers; how three appeared in the doorway of the smoking car, and extinguishing the lights as if by magic, fired one with accord at the manacled man. Their aim was excellent - Martin dropped mortally wounded.

Meanwhile, the frightened occupants of the carriage scrambled wildly for the door. Others from the next carriage rushed up, and a scene of wild confusion ensued. The lamps were again lighted, but there was no trace of the masked men; they had disappeared as suddenly and as silently as they came. The terrified passengers assisted in trying to minister to Martin, who was still living, and when the train reached Morehead he was carried to the nearest inn and a messenger dispatched to carry the sad tidings to his father and mother.

The messenger found a band of desperate men assembled at the Martin's house planning the release of their leader on the morrow, but their plans could avail him nothing now. The bearer of evil tidings broke the news as best he could. Grief and consternation were depicted on every countenance, and with one accord Martin's supporters hurried to the inn, to find the dying man breathing his last. He was able to utter but one word - "Revenge;" but these wild children of the feud country understood, and swore vengeance in his dying ears.

Martin was buried two days later. But what of his murderers? There was not the slightest clue to their identity. I dared not reveal my knowledge of the crime, for it only meant certain death to me and more bloodshed in the county. Besides, how could I substantiate my story against seven men's denial? So the crime and its perpetrators have always remained a mystery.

Thereafter, terrible tragedies followed each other in quick succession, and although I noted them with increasing horror, my lips perforce remained sealed.

in Morehead for some months after the Martin tragedy, and quietly pursued his avocation, which was the practice of law. But the fear of discovery lay heavy upon him, and he moved back farther into the mountains, to Martinsburg, thinking thereby to ensure his safety.

Soon after he settled there a terrible crime was committed in the locality and suspicion pointed to Colton. He was arrested, tried and convicted upon purely circumstantial evidence. The judge, as if inspired by Fate, fixed the day of the second anniversary of John Martin's death as the date of his execution! The convicted man was duly hung on the appointed day, although loudly protesting his innocence to the last moment.

Three weeks later the real murderer, being no longer able to bear the weight of a guilty conscience, confessed to the murder and thus declared Colton's innocence. But it was too late! William Colton had gone to answer for his share in the tragedy at Farmers.

Some months later it was whispered that one of Morehead's most prominent citizens had become mentally imbalanced. For days he would walk and talk incessantly, and when unable to secure a companion in his rambles would hold conversations with some imaginary person. This mood was followed by the strictest seclusion. He was gloomy and taciturn, and would see none of his friends or acquaintances. His family kept the matter suppressed for weeks, until finally he conceived a maniacal hatred for one of his grown sons, addressing him always as "John Martin," and attempting to murder him whenever he came in sight. Family, pride and filial love finally succumbed to fear, and his family had his sanity tested in court.

Imagine, if you can, the feelings of the writer when summoned on the jury on the jury to try this man for lunacy on the same fatal day of the year that John Martin was shot! It was the third anniversary.

The man was sent to the

prison, each bringing its terrible result to some one of the guilty band. I had in the meantime lost trace of John Wheeling, one of the chief plotters in the gang, and one whom I remembered as the most noisy when discussing their plans on that fateful night. I chanced one day to pick up an Ohio paper, and was stricken speechless with astonishment to find the picture of John Wheeling - a prisoner awaiting trial for the murder of his father-in-law! I followed the proceedings of the trial very carefully. No motive could be assigned for the deed, but John Wheeling was given a life sentence, and on the fourth anniversary of his midnight ride to Farmers he donned a convicts garb and gave up home and freedom for a crime of which he stoutly declared his innocence and for which no just cause or reason has ever yet been found!

Hitherto I had not connected the catastrophes which befell these men with the murder of John Martin, but now I began to note the mystery of it all, and found myself looking forward to the 3rd day of March with excitement and dread. The fifth anniversary, a beautiful day for the season of the year, passed off without any evil occurrence, and I felt greatly relieved. But night came with another misfortune wrapped in its gloomy curtains.

Andrew Tolliver was a prosperous farmer living some five miles distant from the county seat. He had sold the products of his farm a few days before, and came in on the 3rd of March to deposit the year's earnings in the safe of a merchant friend in town, there being no bank nearer than thirty miles at that time. He seemed unusually cheerful and jolly that day, meeting his fellow farmers along the road with a cheery greeting and passing jokes with all. "Andrew seems lively this morning," remarked one; "he must have had a good sale this year."

Tolliver lingered in town beyond his wonted stay, chatting with different friends. At dusk, however, he bade them "goodbye" and galloped out of the town towards home.



## Local Trivia

### Made in Hollywood?

■ Library director, script writer talk about feud that later became known as the Rowan County War. Many versions of the story have been repeated.

## SECTION C

# History

## About the Author



Dr. Jack Ellis is a retired Morehead State University Library director and a retired minister.

# Morehead Memories:

## People & Places

### A movie (almost) about the Rowan County War

By Jack D. Ellis  
Special to The Morehead News

"Call to remembrance the former days." (He. 10:32)

In November 1973, this writer received a telephone call from advertising executive Bob Dial from Atlanta, Georgia. At that time I was the Director of Libraries at Morehead State University. The telephone conversation went something like this:

"Dr. Ellis, my name is Bob Dial and I'm in the advertising business in Atlanta. As a child growing up in Atlanta, my father (from Kentucky) used to tell me about a man named Boone Logan who was involved in a bitter feud between two families in Rowan County. The feud later became known as the Rowan County War. Do you know anything about it?"

Library Director and Script Writer discuss feud.

I said, "Yes I know something about the feud." We then discussed what we knew about it for about 30 minutes over the phone, and he said he hoped to write a movie script about the feud and sell it to a Hollywood producer by the name of Bob Clarke. Mr. Dial then came to Morehead to met with me and we discussed the history of the

Well, to back up a little, while they were shooting "Moonrunners" I got to drinking with Clarke one night and told him about this story involving Boone Logan and the Rowan County War. I had heard the story from my father who had gone to school back in the thirties down at Berea, and graduated from Eastern. I didn't remember the details of it, but told Clarke it sounded like there was a movie in it, and I'd be glad to put it together for his next project. One of the actors in "Moonrunners" was Jim Mitchum, Robert Mitchum's son. After I had told the story, what I knew of it, to Clarke, he in turn, told it, on another occasion when liquor was flowing to Jim Mitchum, who liked it, and passed it along to his dad, Robert Mitchum. By now, it resembled that parlour game where you tell someone a joke, and they pass it on, and you see what kind of garbled version comes out at the end. Robert Mitchum like whatever he heard (I've been unable to reconstruct that version of it) and told his son to tell Clarke to tell me to go ahead. Are you still with me? So, Clarke gave me some money as an advance, and I came up there to do my research. The real story, as I

Teacher's Scotch, what the hell, it's his money. So I sat down to write a story about a guy who killed 21 people. A story based on a story I told, over drinks to Bob Clarke in the summer of 1973, which he in turn, told over drinks, to his father, Robert Mitchum. With a lot of drinking going on, not telling what the story was about. I made one up out of whole cloth, kept the name Boone, changed his last name to Taylor, moved it to West Virginia and up to 1910, and made it about the minefields.

Two months passed. Clarke by now is shooting a western called "King of the Mountain" in Las Cruces, New Mexico.

"Great treatment," he tells me on the phone from the Las Cruces Ramada Inn. "One of the investors in the movie I'm making now is on the board at Random House, and he thinks it would make a terrific novel. Can you make it a novel?"

"I guess so."

"Okay, this is definitely my third picture for UA. We'll shoot it next summer in West Virginia."

"Summers in West Virginia are always fun," I tell him.

"Terrific. Start the novel. We'll work a promotion with Random House, jack up the price, then you write the screenplay, and we'll all get rich."

"Nice speaking with you," I tell him.

That was in October. I am



A violent feud between two families in Rowan County between 1884-1887 became wildly known as the "Rowan County War."



Rowan County War which was quite different from the version he had heard from his father. I shared some of my research with him and he returned to Atlanta.

We talked over the phone several times during the next few months and he would tell me of the trials and troubles of trying to sell a movie script to a Hollywood producer. About a year later I wrote Mr. Dial a letter and asked him how the proposed Rowan County War movie was progressing. The following letter was received from him in December 1974, outlining the classic account of a Hollywood producer's disdain for historical accuracy.

Burton, Campbell and Kelley, Inc.  
Advertising  
1800 Peachtree Road, N.W.  
Atlanta, GA 30309  
Dec. 6, 1974

Dr. Ellis:

Sorry for the delay in answering your letter, but things have been pretty hectic around here. To answer your question succinctly, exactly nothing has happened to the Rowan County War script. But, to proceed to make a short answer long, this is a "Hollywood nothing," so I thought you might be interested in what happened.

The producer is a man named Bob Clarke. He is a former attorney from North Carolina who found a story a couple of years ago about moonshining and hunting with bow and arrow. He asked me in the summer of 1973 if I wanted to write a screenplay for him, and, since I didn't really care for the story, and, at the time, I doubted his ability to raise serious money, I didn't write it. I was half-right. I still don't like the story, but damned if he didn't scuffle around and come up with the financing. So they shot the thing, called it "Moonrunners," down south of Atlanta in the late fall of 1973. It took them six months to edit the thing and get a distribution agreement from United Artists, but it finally got into release the first of November of this year. (1974)

found out from you, bore little resemblance to what we had been bandying about. However, I thought the real story was much better, and so I wrote a thirty page treatment based very closely to the facts about the Rowan County War as you reported them to me.

Two months passed! One thing I learned about Clarke was that, at any given moment, he has several balls in the air at once, and communications with him are difficult. Following the "Moonrunners" he moved his family to Malibu and set up shop as a full time producer, signed a three picture deal with United Artists, and then called to tell me he didn't like the story I sent.

"What happened to the guy who killed 21 people?"

"There was no guy who did that."

"The story you sent me is about some lawyer."

"Yeah, well, you see Boone Logan was a lawyer."

"Nobody wants to see a show about a lawyer."

"I guess that explains why Perry Mason was such a flop."

"I want you to rewrite this thing, and I think I can sell it to UA, but go back to the original story you told me that I told Mitchum."

"What I wrote was the original story. What I told you was something somebody made up."

"So make one up."

Well, I thought, after sufficient quantities of

new 35 pages into a novel called "Boone's 21," that has nothing to do with Boone Logan or Morehead, or Rowan County, or anything else I did on that trip back in the spring when were so kind to let me look over your material.

I hope you go ahead with your book about the Rowan County War. I think it's a great story, and should be done. If I had the money I'd buy the rights to it myself and find a producer who liked it. In the meantime I'm in the situation of being something of an indentured servant to one Bob Clarke, a former lawyer who doesn't like stories about lawyers, and who, at this moment is probably sipping Tequila somewhere in New Mexico and complaining about writers who insist of some kind of devotion to historical fact.

Please keep in touch. If anything else happens I'll fire another baroque letter.

Best wishes for the holidays.

Sincerely,  
Bill Dial

The writer contacted Mr. Dial two years later and learned they did produce the movie called "Boone's 21" — but it had not yet been released. (I'm not sure it ever was) and the setting was the West Virginia Mine Fields. He changed the last name to Taylor and the time was 1910. So much for historical accuracy, and so much for a movie about the Rowan County War.

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SECTION C

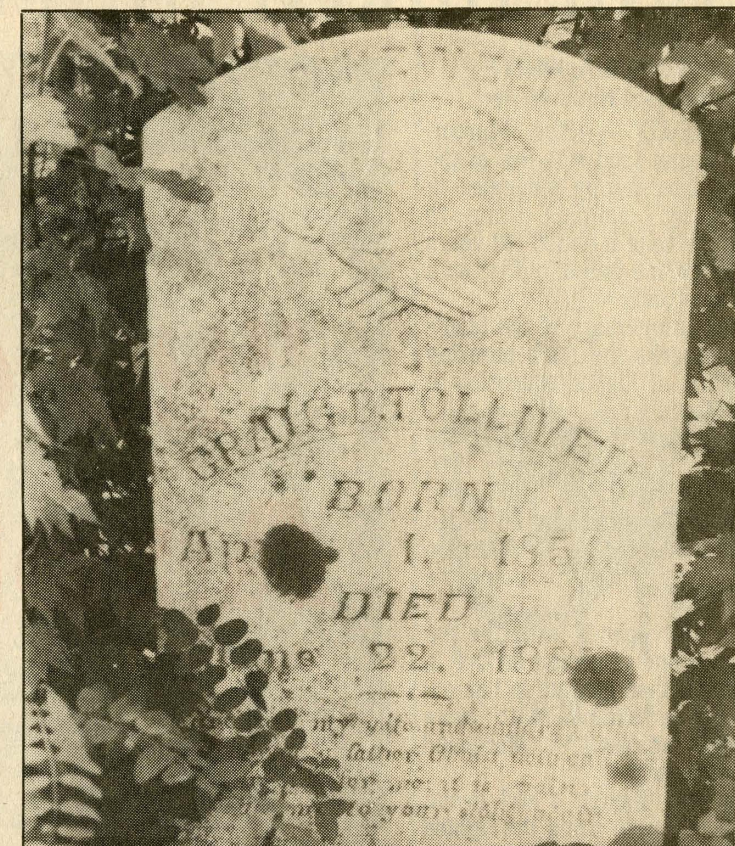




Courtesy of MSU Archives, Camden-Carroll Library

Newspapers of the 1880s printed drawings depicting scenes of the final days of the feud that raged for three years in Rowan County. The

buildings pictured were located in the main business district of Morehead where the climactic shootout took place.



Independent — Virginia A. White

A weathered headstone in the Tolliver family cemetery in Elliott County marks the grave of Craig Tolliver, who died in the Rowan County feud's final shootout.



From The Collection Of:  
Dr. Jack D. Ellis  
552 W. Sun St.  
Morehead, KY 40351  
606-784-7473

## 'Bloody Rowan'

### Monday marks centennial of final gunfight in 3-year-long Martin-Tolliver-Logan feud

MT. STERLING — June 22, 1887 — (Special) — The incidents of today in Rowan County will be long remembered above all others by its inhabitants, and will form in the state's history a page of special interest to those who now

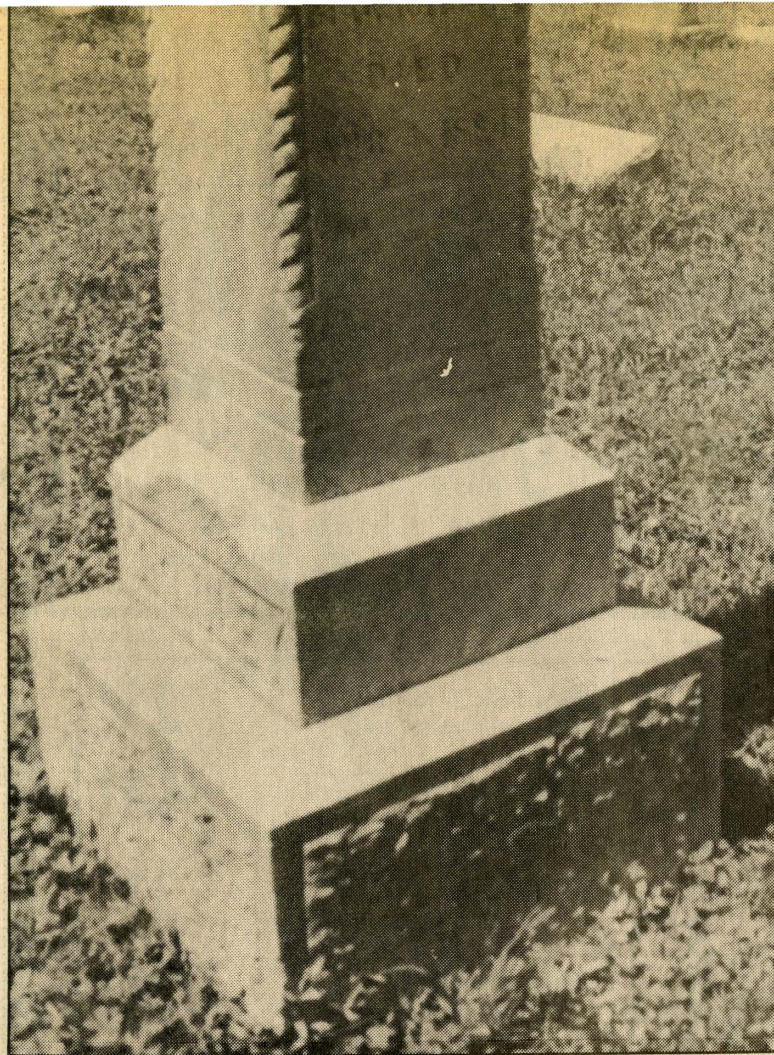
claimed that John Day killed him, and the Tollivers claimed John Martin had fired the fatal shot.

In December of the same year, John Martin and Floyd Tolliver met again, this time in the

murder.

The two boys accused were killed as authorities attempted to arrest them. Craig Tolliver then sent a message to D.B. "Boone" Logan, a cousin to the two, that he should leave the county. To that time, according to several





Independent — Virginia A. White

The death of Solomon Bradley, buried in Lee Cemetery in Morehead, touched off the Rowan County war. Bradley was killed by a stray bullet in a shootout on Election Day in August 1884.

## Authors of history book reveal number of ironies, coincidences

By VIRGINIA A. WHITE  
Independent News Writer

MOREHEAD — There are a number of ironies and coincidences that Juanita Blair and Fred Brown like to point out about their co-authorship of a book about Rowan County's war.

First is the printing of the book 100 years after the three-year conflict ended.

Second, the first edition included 100 numbered copies to commemorate the centennial of the 1884-87 feud, also known as the Martin-Tolliver-Logan feud.

Finally, both Ms. Blair and Brown seem to enjoy pointing out they are distantly related to the families that made up the opposing factions in the conflict.

"We used each other as sounding boards," Ms. Blair said jokingly of any partisan feelings that might arise.

Ms. Blair is distantly related to the Tollivers, Brown to the Logan family.

The book records a part of Rowan County history not often discussed, both admit.

"There was a period there when the state (General Assembly) threatened to dissolve the county and people just didn't talk about it (the feud)," Brown said.

In their research, however, they found many people in the area curious about that chapter of local history.

The conflict lasted three years and grew out of a political dispute. By the time the final battle was fought, the death toll had risen to 20.

The feud received front page coverage in New York newspapers of the 1880s and has since been the subject of numerous articles and books.

too young to be impressed by its scenes of conflict and internecine war, for which many months have kept the people of that section in an almost constant state of terror and alarm.

— The Louisville Courier-Journal, June 23, 1887.

By VIRGINIA A. WHITE  
Independent News Writer

MOREHEAD — A century ago Monday, one final gun battle on a Morehead street ended a three-year conflict that earned the county the name "Bloody Rowan" and eventually claimed the lives of 20 men.

The clash was the Martin-Tolliver-Logan feud, named after three of the principal families involved. Like many of the feuds that marked post-Civil War Kentucky, it began with an election day fight.

"It was political," said Juanita Blair.

Ms. Blair and Fred Brown, both of Morehead, collaborated on a book "Days of Anger, Days of Tears," giving a complete account of the Rowan County war.

They published the volume in 1984, the 100th anniversary year of the feud's beginning.

In August 1884, Cook Humphrey, a Republican, and Sam Gooden, a Democrat, hooked up in a bitter campaign for county sheriff.

On Election Day the hard feelings flared into a fist fight and John Martin, member of a Republican family, was struck. He argued that John Day and Floyd Tolliver, a Democrat, were responsible.

Guns were drawn and shots were fired. An innocent bystander, Solomon Bradley, was killed.

Humphrey was later declared winner of the sheriff's election.

It wasn't clear who was responsible for shooting Bradley. According to an account in the Courier-Journal soon afterward, the Martins

Again harsh words were exchanged and guns were drawn. Martin shot Tolliver. As he was dying, Tolliver called on his family to avenge his death.

The lines between the factions were now drawn. Martin gave himself up to authorities, and to protect him from the Tolliver family, he was taken to the Winchester jail, 50 miles west of Morehead.

Six days later a group of five men arrived at the jail with a false order demanding Martin's release to their custody. Martin was taken onto a train headed for the Rowan County community of Farmers.

Entering the Farmers' station, he was shot to death by several masked men who had boarded as the train came to a stop there.

Throughout the following months, more assassinations and fights followed, initiated by both sides. None of the killers were prosecuted; twice the state militia was ordered into the community to keep peace.

There were few who were not allied with one side or the other. Newspaper accounts of that time said that during the three years of the conflict Morehead's population of 700 dropped by half, as many people fled the bloodshed.

"It was all stratas involved," both Blair and Brown say of the factions. County officials, attorneys and farmers all picked their side in the conflict. The Logan family also became involved against the Tollivers.

Early in the feud, Craig Tolliver, a brother to the slain Floyd Tolliver, emerged as his faction's leader.

In March of 1887, Tolliver was elected police judge of Morehead.

At the request of a neighbor of some of the Logans, he issued warrants for two members of the Logan family for conspiracy to commit

counts, Boone Logan had tried to remain neutral.

Not interested in moving, Boone organized a citizens league, which fought the final battle with members of the Tolliver family.

Logan went to Frankfort and asked then-Gov. J. Proctor Knott to provide guns for the league to restore order. Knott refused the guns, but offered his encouragement and told Logan to smash every bottle of whisky in the town.

As with other conflicts of the time, liquor was often blamed as a contributing factor.

Logan then went to Cincinnati, where he purchased several hundred dollars worth of rifles, handguns and ammunition.

Logan returned and those opposed to the Tollivers organized. Warrants were issued against Craig Tolliver and his family for their part in the deaths of the two Logan boys.

On the morning of June 22, 1887, Boone Logan and a group of his allies waited near the railroad depot in Morehead.

The members of the Tolliver group were surprised and not prepared for the gun battle. But for more than two hours they held their enemies at bay from the Central Hotel, where the Tollivers had fled for cover.

After calling for the Tollivers to surrender and be arrested, members of the citizen's league set the hotel on fire.

Several historical and newspaper accounts say that Craig Tolliver pulled off his boots, saying he intended to disappoint those who had said he would die with them on. He walked into the street and was shot down.

Brothers Bud and Jay Tolliver, Craig's cousins, were also killed in the shootout.

All that remains of that scene on First Street is the Morehead depot and a vacant building that once was a hotel. But the feud itself ranks as one of the most famous in Kentucky history and has been immortalized in ballad and print.



Independent — Virginia A. White

Juanita Blair and Fred Brown, both of Morehead, collaborated on Days of Anger, Days of Tears — an

account of the Rowan County feud. Both are related to families who were involved in the conflict.



## LOCAL

# Morehead State University's origin linked to feud's end

By VIRGINIA A. WHITE  
Independent News Writer

MOREHEAD — The Martin-Livier-Logan feud was one of the oddest inter-family struggles in area history, claiming some 20 lives by the time it ended 100 years ago Monday in a hail of bullets on a Morehead street.

But the anniversary of the feud's end also marks the 100th birthday of the start of higher education in eastern Kentucky.

As the dust settled from the feud's final shootout in June 1887, members of the state's Disciples of Christ and Christian Church called for establishment of a mission school at Morehead to calm the area.

The school opened with the enrollment of one youngster on Oct. 3, 1887. Today that institution has evolved into a campus with more than 5,500 students — Morehead State University.

"The feud, though a sad event, inspired others to bring the lighted way of learning and education to eastern Kentucky, to stop the fighting," said George Young, former instructor of history at the university.

Young, now retired, came to the campus in the 1930s.

The fighting in Rowan County in the 1880s attracted national attention. The New York Times ran stories on several episodes of the conflict.

The day after the final confrontation between members of the Tolliver faction and their adversaries led by Boone Logan, the front pages of The Times and other New York newspapers provided detailed descriptions of the shootout.

Throughout the three-year period, editorials in The Louisville Courier-Journal and The Times condemned the violence in the

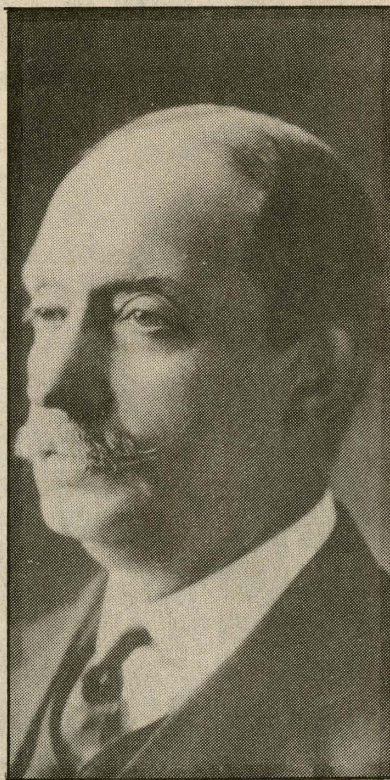


Photo courtesy MSU Photo Services

Frank Button helped establish the mission school that eventually evolved into Morehead State University. He was the first president of Morehead State Normal School.

rural Kentucky community.

As with other conflicts in Appalachia in that era, whisky, post-Civil War politics and lack of educational opportunities were blamed for the bloodshed.

The state militia came to Morehead twice during the three years of the feud to quell the unrest. A state legislative committee recommended dissolving the county and reattaching its land area to Fleming and Morgan counties, from which it had been created in 1856.

While state officials were pondering a political solution, church leaders prepared to answer the violence with the opening of a mission school.

Several Christian Church leaders, including William Temple Withers, a former Confederate general from Lexington, agreed to finance the venture.

In the late summer or early fall of 1887, Frank Button and his mother, Phoebe, arrived to establish the mission school. Button had recently graduated from Lexington's College of the Bible.

The mission school grew steadily under Button's direction during the next decade. In May 1899, the institution, by then called Morehead Normal School, was chartered by the state and given the authority to confer high school diplomas. By 1900, some 300 eastern Kentucky teachers had already received training at Morehead Normal.

By 1910, the enrollment had grown to more than 500. In 1922, the General Assembly, acting at the prompting of Morehead residents such as Allie Young who wanted a college for their town, designated the school as Morehead State Normal School and Teachers College. Button was named president.

The acreage of the school was growing along with its enrollment. Thomas Hargis, a Morehead native who became a judge in Louisville, had donated land for the school's first four-acre campus in 1890.

By 1900, the campus had grown to more than 50 acres. That land is still part of the MSU campus.

MSU is not unique in eastern Kentucky in its evolutionary process. Pikeville College and Lees Junior College in Jackson both have their roots in mission schools. Other academies and mission schools were absorbed into public school systems.

## Authors of history book

Continued from Page 45

not to point a finger at any one side.

Both sides fought for what they believed was right, adds Brown.

Ms. Blair said she has always been interested in local history. Since 1965, she has been doing research on the feud. She and Brown actually began collaborating on the idea of a book five years ago. Both have an interest in history and genealogy.

The book has been through two printings, both handled by Ms. Blair's print shop, Pioneer Press.

All copies have been sold and there is a waiting list of requests for copies. If there's enough interest, a third edition may be in the works.

In addition to the text on the feud, the book includes an extensive photo section and several census listings from the late 1800s.

Both Brown and Ms. Blair have worked on other projects. Ms. Blair is currently compiling the second volume of a pictorial history of Rowan County. She said she is looking for photos from the 1800s through the early part of this century.

"All photos will be returned and any materials can be sent here, to Pioneer Press, 111 South Wise Street, Morehead," she said.

Brown, who manages an office supply business, has an interest in photography and has had articles published in various magazines.

**Pilgrim Glass  
Warehouse  
Sale  
at the Factory**  
June 25th, 26th, 27th



# The Rowan County News

Morehead, Kentucky, Thursday Morning, May 10, 1956

## 1886 Legislature Laid Down An Edict That Rowan County Feud Must Stop Or The County Would Be Discontinued

To every group regardless of how secure they may feel, there always comes some event which jars them back to normalcy and makes them realize that something must be done. The event which happened in Rowan County which caused much hatred, bloodshed, etc. was the Rowan County Feud. This feud when looked upon from one angle was very disastrous, but in viewing it from a distance it can readily be seen that it took this disaster to make the citizens of the town and county realize what they needed to do in order to make this county what it is today.

This feud started in 1884 and caused the whole county to be in an uproar. It started on elec-

The Rowan County News has the story of all the gruesome and seemingly almost inhuman killings and deeds of the Rowan County War as historians compiled, and in many instances, magnified, the three years of the struggle in which citizens were afraid to walk on the streets or be out at night. Hundreds upon hundreds of present Rowan Countians are descendants of the Tollivers, Logans, Youngs and others who participated in the feud. Reprinting the story of the Rowan County War could mean only embarrassment for scores of our fine, progressive citizens of today and it is not the purpose of this edition to start any more feuds—to lay blame on any faction—or to rehash a period in our history that is best forgotten. The Publishers thank the some 30 people who brought in copies of the book of the Rowan County War and the famous song about the feud.

tion day. Several people were killed of whom many were innocent. Without any further explanation, one can determine that the basis of it all was politics. A lot of details could be gone into telling the gruesome events which happened at this time, but it would be much better to stress the important outcome.

A fact that caused a great commotion among the people in general and one which made them start thinking clearly was the proposal by the legislature in 1886 to dissolve Rowan County unless the feud stopped. Balance of this story concerns citizens' meetings taken from old public records.

### The Mass Meeting

There was a large attendance at the mass meeting Saturday. Senator Huff was the principal speaker, and he told the people of Rowan of the great danger there was in abolishing the county, and that the only hope there was for us was to go on probation for two years and then if the laws were enforced, dram drinking stopped, and people pursued the peaceful pursuits of life, the bloody record of Rowan would be remembered against her no more forever. Short speeches were made by D. B. Logan, James E. Clark, and G. W. Saulsberry. A rising vote was taken as to whether the citizens of Morehead would stand by its officers in the performance of their duty, and everyone in the house stood up. A large number signed a petition against dismemberment and the meeting adjourned.

### Our County

The temper of the legislature mind has been to abolish Rowan County, but a reaction has come and a chance will be given the good people of the county to work out its redemption. This can be done only through a faithful execution of the laws and there is no mistaking the fact that another season of violence and crime will settle her existence forever. It is believed that the conservative law abiding elements of the county can correct any existing evils and secure the just punishment to those who have violated the laws. It well becomes those who desire to perpetuate the county to discharge the duties of citizenship by seeing to it that each officer performs his official duty faithfully, and stands by him in his performance of it, or if he fails or refuses to do so, bring him to

punishment for his failure. The law is ample to correct all the evils that affect society if administered and looked to, and secure its administration in Rowan if you would have it perpetrated.

### Farmers

March 1, 1888—In pursuance to a called meeting of the citizens of Farmers and vicinity, S. Crain was called to the chair and J. M. Brain appointed Secretary. The following resolutions were adopted:

Resolved as citizens of Farmers precinct No. 2, Rowan County, Kentucky, believing whiskey and ardent spirits a evil, will use all honorable means to suppress this evil. Further, we pledge our support to the officers to see that laws are enforced, and that law breakers have no place in our midst. We further thank our Marshal, Robert Cassity, for his work done in this county.

Resolved: That we ask our senator and member of the Lower House to vote against any bill which might be brought up before the Legislature to abolish the county of Rowan.

Resolved: That we forward the proceeding of this meeting to the Mt. Sterling Gazette, Highland Blade, Owingsville Outlook, Flemingsburg Gazette, Mt. Sterling Sentinel Democrat and they be requested to publish it.

The Christian Gospel Temperance Union under the leadership of L. L. Abbott of Lexington, Kentucky in holding a series of meetings at this place with good results, having organized a lodge of about 70 members with the following officers:

President, Capt. S. Crain, First Vice President; James M. Brain, Second Vice President; Mrs. Kate Glover, Secretary; James W. Tabor, Assistant Secretary; Mrs. Maggie Crain, Treasurer; J. C. Manhier, Senior Chorister; Mrs. H. C. Sherman, Assistant Chorister; Miss Sallie Scott, Executive Committee; John Ingram, Mrs. Sue Brain, Mrs. H. C. Sherman, W. G. Everette, Hugh Teal.

These meetings are being largely attended by all classes of citizens and great good is likely to result from them.

The citizens of Farmers have determined that whiskey and lawlessness must go, and law and order be reinstated in our town and county. Every barroom, and grog shop in this place is closed up at the present, and the good citizens intend to make it hot for any man who undertakes to sell or handle the stuff in this city contrary to the laws of the state.

We have about 300 inhabitants with three fine lumbering mills in full operation at the present time, and a good place for capitalists to invest their money, if we succeed in restoring our county to law and order.

### The Rowan Matter

At a large meeting of the citizens of Rowan County held at the courthouse in Morehead, Monday, Jan. 16, 1888, J. T. Hazelrigg was called to the chair and A. J. Thurber was appointed secretary.

Whereas: We have heard with much concern of the proposition pending before the Legislature of Kentucky to repeal the Act establishing the county of Rowan, therefore

Resolved: That we appeal to the Legislature as a body not to divest us of the rights with which we are invested by the Act of Assembly establishing the county.

2. That we appeal to our Senator.

3. We call the attention of the Legislature to the fact that it is not only in the county of Rowan that a season of lawlessness has prevailed.

4. That Rowan County should be henceforth as famous for peace and for preservation of law and order as it has been riot and disorder and that we hereby

pledge ourselves that in the future we will by all means in our power, do all that we can in the interest of peace. We will uphold and maintain the integrity of the law, enforce in enforcing the law, etc.

5. It is said that we are a pauper county. We maintain that the charge loses much of its force when it is known that we have 16 miles of the Newport News and Mississippi Railway with all its property and is subject to taxation and in this connection that within all our borders we now have peace; that two good schools are being maintained and taught in Morehead.

The people of Rowan County had learned their lesson. They were ready to do everything possible to preserve the county which had come to mean so much to them. The first step was the establishment of the Normal School and Mr. Button and his mother came here to take charge. Churches began to develop and in 1901 the Church of God was added to the list.

Clubs, banks and other businesses began to spring up.