

FINAL BATTLE OF MOREHEAD.

JUNE 22ND, 1887.

AFTER leaving Frankfort, Logan hastened to Cincinnati, Ohio, where he purchased several hundred dollars' worth of Winchester rifles, pistols, shotguns, and an ample supply of ammunition. These were boxed and shipped as saw-mill fixtures, and consigned to a small station (Gate's) in Rowan County, some miles from Morehead.

Immediately upon his return to Rowan County Logan summoned his friends. They responded with a will. Many came from the neighboring counties, except Elliott County, which section sympathized strongly with the Tollivers, whose relatives were strong there. Sheriff Hogg was placed in possession of the warrants against Craig Tolliver and his confederates, charging them with the recent murders of the Logan boys (June 7th). It was definitely and explicitly agreed upon and arranged that the sheriff should demand the surrender of the Tollivers, and only in case of their refusal to comply were the citizens to take a hand. This, of course, was a mere matter of form. It

was easy to predict to a certainty that the Tollivers would not obey the demand of surrender by the officers. That had been tried too often before. Yet the Logan faction desired to exhaust all lawful means before resorting to bloodshed.

Sheriff Hogg was instructed to demand the surrender and upon its refusal to retreat in order to insure his personal safety, and to give the forces under Boone Logan an opportunity to enforce the demand.

Thus far all went well. When the morning of June 22nd came, bright and beautiful, everything was in readiness for the coming struggle.

Logan, with some of his men, was stationed near the Chesapeake & Ohio Railway Depot. Just across, at the business place of Vinton & Pigman, Hiram Pigman, with six or seven men, stood in readiness to act in concert with Logan. On the opposite side of the town another detachment was carefully posted in concealment. The Tollivers were completely surrounded.

Strange to say, with all their vigilance, they had remained in utter ignorance of Logan's final preparations. Logan was despised by them. His frequent absences from home had been attributed to fear. Of his visit to Frankfort and his purchase of arms at Cincinnati they knew nothing.

It was late in the morning of the 22nd, when

an accident revealed to them their danger, though the knowledge came too late to enable their escape. The wife of a railroad man was visiting friends at Morehead. Her husband had noticed bodies of armed men closing in upon the town. He also knew of the large shipment of arms to Gate's station. Anxious for the safety of his wife, after his suspicions had been aroused, he telegraphed her to leave Morehead at once, that a battle was impending without doubt. This information was conveyed to the Tollivers, who immediately prepared for the attack. Thus it happened that when the battle commenced, Logan and his men were put upon the defensive instead of the offensive, as they had anticipated.

The Logan forces awaited the appearance of the sheriff to demand the surrender of the Tollivers. He failed to arrive. The sheriff afterward testified that he had been prevented by armed men from entering the town. Be that as it may, the fight opened without him, and during the battle neither he nor his son participated.

Logan, unaware that his plans had been betrayed to the Tollivers, attempted to communicate with his friend Pigman at the latter's store. He despatched a young man, William Bryant, with a note. To his surprise, the Tollivers suddenly appeared, armed to the teeth, and opened

fire upon Bryant. The boy fled for life and escaped without a wound.

Logan and Pigman, finding their plans discovered, and the sheriff having failed to put in his appearance, now commenced the work they had cut out for themselves and their friends to perform. Firing began from every direction—every man fought independently, as best he could. Each part of the town became a separate battlefield. The non-combatants sought safety in flight or in the shelter of their homes. Black clouds of smoke hung over the ill-fated town; the air was stifling with the smell of sulphur. The grim monster of civil war raged in all its fury. Well might we say with Chalmers:

“O, the miseries of war! We recoil with horror at the destruction of a single individual by some deed of violence. When we see a man in the prime of health suddenly struck down by some deadly aim, the sight of the lifeless body haunts us for days and weeks, and the shock experienced, only time can wear away.

“The scene stands before us in daytime, is the subject of our dreams, and spreads a gloom which time can only disperse.

“It is painful to dwell on the distressing picture of one individual, but multiply it, and think of the agonies of dying men, as goaded by pain, they grasp the cold ground with convulsive

energy, or another, faint with the loss of blood, his pulse ebbs low, and the gathering paleness spreads itself over his countenance; or, wrapping himself round in despair, he can only mark by a few feeble quiverings, that life still lurks and lingers in his lacerated body; or, lifting up a faded eye, he casts a look of imploring helplessness for that succor which no sympathy can yield."

The moment the battle opened, Logan became the target for many guns from the concealed Tollivers. The balls fell all around him; plowed up the ground at his feet and hissed by his ears. Craig Tolliver and his confederates instinctively singled him out as their most dangerous adversary and made every effort to kill him.

The details of the battle are authentically recorded in the report of Ernest McPherson, captain of a detachment of the Louisville Legion, to the Adjutant-General of Kentucky, Sam E. Hill, which report was transmitted to the Governor and reported to the Legislature. (See documents 1887, No. 23.)

As the Tollivers were coming back, Boone Logan commenced firing. He was at once deserted by the men with him, but continued the fire which was returned by the two Tollivers, Craig and Jay, until their Winchester rifles and pistols were empty. They ran from below the depot to

the American House, Craig Tolliver's hotel, and obtaining a fresh supply of ammunition, were joined by Bud, Andy, Cal and Cate Tolliver, Cooper and others. All then started on the run for the Central Hotel. Andy was the first to reach that building by going through alleys and back ways. Bud Tolliver, Cooper and the rest went by way of Railroad Street, under constant fire from the bushes. Halting near the drug store they fired upon the concealed enemies and wounded one Madden. Bud Tolliver was here shot in the thigh. Cal and Cate, who were mere boys, assisted Bud up the lane and secreted him in the weeds back of Johnson's store. They then rejoined their comrades. Cooper presently emerged from the Central Hotel and fired upon some of the Logan men, but was himself shot through the breast. He retreated into the hotel and secreted himself in a wardrobe, up-stairs, and in this place of fancied security was again hit by a bullet and killed.

The Central Hotel was surrounded, a cessation of firing ordered and Logan called upon the Tollivers to "come out and they should not be hurt." A message of the same purport was delivered to the Tollivers by a woman. She returned with Cate Tolliver, a boy fifteen years of age, who was disarmed and allowed to go unmolested. The

others in the house refusing to surrender, Logan resorted to the tactics employed by the Tollivers against his cousins and directed his men to fire the building. The Tollivers broke cover and started for the bushes. Before leaving the house Craig Tolliver coolly pulled off his boots, saying that it had always been prophesied he would die with his boots on, and that he intended to disappoint the prophets. He emerged in his stocking feet. Jay Tolliver got out the rear way, ran about fifty feet, was shot three times and fell dead. Craig and Andy broke from the hotel on the south side and were greeted with a hail of bullets. Andy was wounded twice, but not seriously, and under cover of the smoke succeeded in reaching the woods. Craig Tolliver's former good luck at last deserted him. He ran, firing at his enemies, down a lane which leads from the hotel to the railroad track. At the corner of the drug store already spoken of, Pigman, Apperson Perry and three others were posted. They instantly opened fire on Tolliver, the score or more still at the hotel, also continuing their fusilade upon the fleeing outlaw. Craig Tolliver ran a few steps beyond the corner of the store, fell, rose again and, running toward the switch, sank to the ground to rise no more. He was riddled with balls and buckshot. To the great regret of

the Logan men, the man whose death they most desired, was not injured. This man was Bunk Mannin, the town marshal, who so brutally maltreated the dead bodies of the two Logan boys.

There were undoubtedly some bad men in this fight against the Tollivers to whom may be ascribed some excesses which occurred on that memorable day. But they do not appear to have been actually connected with the Logans. One of these men admitted that he fired three shots into the body of Jay Tolliver after he was down. This same man afterwards became a willing witness for the prosecution against the slayers of the Tollivers. It was this band of guerillas that shot Cooper while secreted in the hotel, dying from a wound in the breast. After completing their inhuman butchery, this same guerilla band sacked the American Hotel and committed other outrages.

The firing was continuous for two hours, except while the Logans made proposals to the Tollivers to come out and surrender. Over fifteen hundred shots were fired.

There was a general sense of relief among the inhabitants when the battle was over and the dreaded Tollivers were wiped out. A public meeting was held and largely attended. A party, styling itself the Law and Order League, took

possession of the town and held it until the arrival of troops.

Boone Logan had faithfully kept his word and retaken his fireside. The sinking sun witnessed his return to the home from which he had been banished. His enemies had crossed over the great divide.

For the first time in many months the town was quiet. The yells and defiant curses of the drunken desperadoes were heard no more. The lips that had uttered them were still. Peace entered Morehead once more. It had been purchased at the price of much blood.

The battle of June 22nd, 1887, was the last bloody clash between the various factions of Rowan County. The Tollivers, deprived of their leader, gave the town a wide berth after this. It soon resumed its former appearance of thrift and prosperity. Many of those who had removed from the county, now returned and took possession of their abandoned property. Business houses, closed for many months, were reopened, the illegal saloons closed tight, and law and order have been reasonably well maintained in the county ever since.

Several of the Logan men were indicted for murder, Hiram M. Pigman, who had been Logan's right hand man, and of whom the latter

spoke as the bravest and most circumspect man on the field that day, was indicted jointly with Apperson Perry. They were tried by a jury of Fleming County and promptly acquitted. Logan was never tried.

“The court was held under the protection of State troops. The trial lasted for seven days. Pigman and Perry were shown to be men of excellent character, neither of them had been parties to previous killings in Rowan County. The evidence being concluded, the court instructed the jury. Briefly summarised, these instructions were ‘Convict these defendants.’ The jury, however, were really ‘good men and true’ and to the evident surprise of the court, and the chagrin of the prosecuting attorney, returned a verdict of not guilty. These jurymen had been summoned from the adjoining county of Fleming. Their names deserve 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, liberty and property of the citizens, wilfully disregard, or timidly refrain from discharging their duties, the citizen has the right to protect and defend him-

self." (Capt. McPherson's report. Documents 1887. No. 23.)

The glaring partiality of the court and corruption of most of its officers he illustrates in the following language:

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

"Even the court would express his opinion in words of abuse and very plainly exhibited his partiality or prejudice. Indeed, when the case of the Commonwealth against John Keeton was called for trial, and the affidavit of the defendant and two reputable housekeepers, asserting the belief that the presiding judge would not afford the defendant a fair and impartial trial was by the defendant handed to the judge, he remarked, after reading the instrument aloud, that he was not surprised; that John Keeton would swear anything; that he had sworn to so many lies already that it was not astonishing that he (the judge) would not give him a fair trial. This observation of His Honor was delivered in the presence of the jury selected to try John Keeton."

Reverting to the excesses committed by the guerillas during the battle and afterwards, Adjutant-General Hill says: (Documents, Ky. 1887.)

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

During Circuit Court the commanding officers of the troops noticed one of the sheriffs and several Tolliver sympathizers in secret consultations. So suspicious were their actions that they were watched. In the afternoon these parties disappeared from Morehead. The next afternoon they brought a box of Springfield rifles, calibre fifty, by train. One thousand rounds of ammunition accompanied the guns. Col. McKee promptly seized the arms over the vigorous protest of the Tolliver faction. The court had di-

rected their shipment "for the purpose of securing peace and quiet and preventing a fight among citizens of this community." Another order of the court declared "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" etc., and directed the seizure of all arms. The officers complied, collecting all arms discovered in the possession of the Logan faction, and, of course, retaining the box of Springfields consigned to White, a Tolliver sympathizer. Then, strange to say, on August 24th, an order was issued by the Circuit Court directing the Colonel commanding the troops, or rather the Adjutant-General, to immediately deliver to the sheriff the box of Springfields and ammunition to arm a posse of citizens of Rowan County to make an arrest, and demanding a reply in writing should the officer refuse to comply with this strange order. The Adjutant-General replied that he could not comply with the order for the reason that the arms could not be released except under direction from the Governor.

The effect of obedience to this order would have been to restore the arms to the Tolliver

faction, while retaining those of the Logan party, and to arm a posse, perhaps to be guided by Deputy Sheriff Hogg, with its recent infamous history still in mind, would scarcely have been consistent with the duty of an officer sent to Rowan County to preserve peace. A day or two afterwards the court severely censured the Governor for not permitting His Honor to arm such sheriff's posse as he might select. Before departure from Rowan the officer commanding restored the guns and pistols taken from private individuals during the term of court.

The box of Springfield rifles was retained and loaded upon the cars for shipment to Frankfort. The Tollivers were incensed. Deputy Sheriff Hogg and Andy White sauntered through town breathing threats and dire vengeance if the guns were not left behind. The soldiers loading them, however, were not disturbed, and the guns were deposited in the arsenal at Frankfort.

The presiding Circuit judge was soon afterwards, the following January, brought before the Legislature on impeachment proceedings. During the long-drawn-out investigation many witnesses were examined, whose testimony fills an entire volume. The result of the investigation was censure, a quasi whitewash, and a recommendation to abolish the county and attach it to

another. But this would have meant nothing more nor less than to saddle upon innocent people the settlement of a controversy. To have transferred the county to another district would have resulted in involving other sections hitherto not affected by the trouble. To have abolished the county would have been an open acknowledgment of the weakness of the State to execute its laws and to cope with crime. It was this confidence of the lawbreakers that their crimes would never be punished, and the belief of many good citizens that the machinery of the law was set in motion only in the interests of certain parties, that was responsible for the long-continued, shameful disorders in Rowan County.