

The Taking of Testimony Continues Without Incident.—Gov. Knott Reviews the Troops.

[Special to the Courier-Journal.]

MOREHEAD, KY., July 16.—The trial is progressing slowly. Yesterday was consumed in taking the testimony of numerous witnesses introduced by the defendants, for the purpose of showing that Tolliver was acting in good faith as an officer of the law, and that Clayborn was killed by a posse properly summoned and acting under direction of the constable, Messer, to whom Tolliver had given over the warrant. The most important testimony taken on yesterday was of Police Judge Minnick, who stated that on the 27th of June he issued a warrant against Cook Humphrey for raising a band of armed and lawless men to do violence to citizens of Morehead; that he delivered this warrant to Craig Tolliver on the 28th, at 8 o'clock P. M. This was the warrant Tolliver was attempting to arrest Humphrey under when he was wounded on the 28th. After the wounding of Tolliver, four more warrants were issued against Humphrey. Court adjourned for the day with the testimony of Minnick.

At the dress parade Gov. Knott, who had stopped over for the night on his way to Letcher, addressed the soldiers in terms of warm commendation for the alacrity with which they had responded to the call made upon them, admonishing them as to the grave nature of their duty here and tendered them his personal and official thanks for the manner in which they had heretofore performed that duty.

The progress of the court to-day was slower even than yesterday. The defendants continued with numerous witnesses elucidating the line of defense already indicated. Early in the afternoon counsel for the defendants asked that Boone Day, Mick Day, James Oxley, and John Trumbe, four of the prisoners, be sworn, to which the Commonwealth objected. A long and earnest argument, in which all the counsels participated, followed. It was maintained for the Commonwealth that the prisoners had the right to demand a separate trial, and had they so demanded they could then have been admitted to testify for one another, provided the Commonwealth showed no conspiracy between them, but that they had not demanded a separate trial as was their right, and that now it would be impossible for one to testify for the other in this joint trial without testifying for himself. It was argued on the side of the defense that the prisoners had been brought to trial under a warrant for conspiring and confederating to do murder, etc., that under such a warrant the prisoners had no right to demand a separate trial, and that since the testimony adduced did not establish a conspiracy, the defendants now had the right to testify for one another. Justice Moore at first announced that the court was agreed that the proposed witnesses were incompetent, but, after some hesitation, Justice Phillips dissented, and Boone Day was introduced and was followed by his father, Mick Day. Attorney General Hardin declined to cross-examine the former when turned over to him; the latter was cross-examined by W. W. McGuire, the assistant counsel for the Commonwealth. Counsel for defendants announced that the testimony for the prisoner would be finished by 10 o'clock to-morrow morning.