

COURT IN ROWAN.

Craig Tolliver et al, on Trial, Charged With Murder—First Day's Proceedings.

[Special to the Courier Journal.]

MOREHEAD, KY., July 9.—The examining court in the cases of the Commonwealth vs. Craig Tolliver and others for conspiring and confederating together to kill Humphreys and Rayborne, and for the murder of Rayborne, convened at 4 o'clock this evening, with Justices W. W. Philip and Wm. Moore on the bench, in place of County Judge Stuart, who was sworn off the bench on July 7. A large and eager crowd of citizens was in attendance, including the numerous friends and sympathizers of Tolliver and his followers. After some delay, occasioned by the necessity of bringing Tolliver before the Court, the Commonwealth and defendants both answered ready.

In opening the case for the Commonwealth, County Attorney Z. T. Young said: "Ordinarily I should only read you the warrant under which the defendants were arrested and state their pleas, but this is no ordinary case, and I desire to make an explanation. You are aware that it is my official duty to prosecute all persons charged with offenses against the law in this county. That I have always faithfully performed this duty, you yourselves will bear me witness, but this is an extraordinary case, and for reasons well known to yourselves, and to all present, I deem it proper that I should decline to perform my regular official duty in this case and hand over the prosecution to the Attorney General of the Commonwealth of Kentucky. In conclusion, I desire to ask, in behalf of the defendants and the Commonwealth, a candid and impartial inquiry, believing that your efforts in behalf of law and justice will be successful only so far as they are characterized by these qualities."

Mr. Young accordingly withdrew from the case. W. W. McGuire, of West Liberty, is employed to assist Gen. Hardin. The defendants are represented by Hon. Kean Pritchard, of Catlettsburg; Hon. C. W. Goodpaster, of Bath, and A. L. Young, of Rowan.

Miss Sue Martin, the first witness introduced for the Commonwealth, testified as follows: "I live in Rowan county, one mile from Morehead, and am the daughter of Mrs. Vina Martin. On Sunday morning, June 28, Craig Tolliver, Jeff. Bowling and others came to my mother's house and asked for Will Martin; Craig Tolliver, standing near the door, asked, 'I told him he was not there.' Tolliver said, 'You are a G—d—n liar.' Tolliver then asked if Cook Humphrey was there. I told him he was not there. He said: 'I know he is here, and we have come to kill him,' and they then rushed into the house. I heard a shot and some one fall down the stairs. They then came out of the house and commenced firing into the windows. After some time the firing ceased. I then went out and asked Tolliver if I could go to town and get the doctor for my sister Hattie, who was sick and had fainted. He said no, G—d—n you, no; I'll get you, and discharged his pistol at me. I came on to town for the doctor as soon as they had left. Craig Tolliver saw me and arrested me. I asked him what he arrested me for. He said it don't make any difference, and spoke to me in language so abusive and insulting that I could not repeat it to my own mother. He took me to jail, where he told me he intended to send me on to hell, burn my house and have Cook Humphrey's life. I staid in jail until the next day. Messer and Craig Tolliver, Jim Keaton and T. A. Day were the ones I saw in our house when the shooting was done. They did not say anything about arresting Cook Humphrey; they said they come to kill him.

The witness was here turned over for cross-examination, and was asked, after several questions, if there had not been several violent deaths in Rowan since last August. To this question counsel for the Commonwealth objected. Counsel for the defendants addressed the court with much warmth, insisting that not to allow the question to be suggested would be to smother the defense at the outset; would deprive the prisoners of their legal defense, and would preclude a fair and candid inquiry. Gen. Hardin spoke with peculiar dignity and force, showing that he has given affairs here much thought; that he takes a philosophical view of the situation and that he is a cool man and determined as far as he is able to bring down upon every guilty man the just penalties of the violated law. The court adjourned without passing on the competency of the question objected to. The decision of the question will, of course, settle the prisoner's line of defense and the length of argument thus early in the case shows that the trial will be longer than was expected. Court convenes to-morrow morning at 8 o'clock.