

The People Dissatisfied With the Grand Jury, and a Motion Made to Dissolve that Body.

[Special to the Courier-Journal.]

MOREHEAD, KY., Aug. 5.—In the Circuit Court here this morning, the Attorney General moved to set aside the grand jury on grounds of its being made up of relatives of persons accused of murder, and that the grand jury be discharged. The Judge withheld his decision. Jeff Bowling was to-day tried for cutting Jas. Nickell, this being an old case. He was fined \$50. All the facts were admitted by the prisoner. Ashbury Donohoe was tried to-day for shooting Lindsay Cox; he was acquitted.

Attorney General Hardin expressed his views fully and with even more than his accustomed energy and dignity when, this morning at motion hour, he moved the court to discharge the present grand jury and have another impaneled. Gen. Hardin said:

"May it please the Court, in the exercise of my privilege as a citizen, my right as a lawyer, and what I conceive to be my duty as an officer, I propose to make a plain statement supported by proof, and on that base a motion to discharge this grand jury. With the profoundest regard for the proprieties of this occasion, permit me to say that for more than a month prior to the meeting of this court I have been in this county prosecuting men charged with crime, and investigating the lawlessness that has terrorized these people, disgraced our State, and shocked the moral sense and civilization of the age. Without reciting in detail the facts or the proof developed in the prosecution of nine or ten men so recently tried before an examining court that was organized to turn them loose, and with a mere reference to the assassination of the Deputy Sheriff, and the cowardly and brutal murder of Martia shackled and manacled and defenseless, and, therefore, peculiarly under the protection of the law, for these facts are now matters of history and known to all, I will say that I believe and know to a moral certainty that sufficient proofs are now at hand to indict and convict the men engaged in this and all other lawlessness that has disgraced the county.

"With the Chief Executive of the State, who has responded to a call for the military and who has in his all-absorbing desire for law and order and the welfare of the State already made four visits to this county in person, I came to be present at the organization of the court, hoping, trusting and believing that the legal machinery would bring adequate and proper relief. But what do we find? In mortification and shame I say it, we find a grand jury organized I know to shield the strong guilty and I believe to punish the weak and defenseless. One member of this grand jury I had on trial for three weeks. The fathers, brothers and blood relatives of others bristle all along the line. More than one-half of them are closely akin to the men proved to have murdered Rayburn and to have burned the house of Mrs. Merton over her head, and driven her and her sick daughter to the mountains for shelter.

"Others are on it that are openly and notoriously the steadfast friends and intimate advisers of these criminals. There are 50 men in this house ready to sustain this statement with their oaths. The Commonwealth's Attorney whom your Honor has appointed has been notified of these facts, and has failed and refused to act. He is a stranger to these people, who see and know the facts as to the organization of this grand jury, and no witness that I have seen is willing to expose his knowledge or his interest, lest he, too, be put on the black list.

"It is not the time for speculation or conjecture as to why or how all this came about. It is the living facts that this court must deal with. Out of 1,000 voters in this county this grand jury is made up of the criminals, their close kin, and steadfast friends and admirers.

"In the presence of these facts this court has due notice and fair warning. The machinery is all in your hands whereby the juries, grand and petit, are selected. Under the law you may remodel it and you may have an honest administration of the law, and give this people relief and restore to the State her name and fame unsullied. These are the facts; here are the witnesses. The power of the Governor is exhausted and I have reached the utmost limit that either duty, interest, propriety or the law will permit, and now quit this business with the consciousness of having tried to discharge my whole duty to this long-suffering people, to my own official trust, to the majesty and dignity of the law, and to the name and honor of the Commonwealth. I leave it with you to answer to God and the people for your action."

Great dissatisfaction is manifested by the people of the county with the composition of the grand jury. It is rumored this evening that the grand jury have drawn up indictments against four soldiers, including two commissioned officers, charged with playing cards, etc., in the camp. If this proves to be true it will only go to show the influences that are at work.

The detail left here at 1 o'clock to-day to bring the prisoners from Lexington and Winchester, as mentioned in last night's report.

Sheriff Ringo passed through Olympia to-day with Ballard, the murderer of Spencer, taking him to Owingsville. The killing occurred about two months ago, and was one of the most brutal murders enacted in this part of the State. Three days before the killing Spencer and Ballard had a fight at Olympia, Spencer being supervisor of the road; and while at work on the day of the murder Ballard went up to him and deliberately shot him down, making his escape. After the killing he was concealed in his house, sleeping in a bed made beneath the floor, with a trap door so arranged that it was impossible to detect it.

In all probability the militia will be again strengthened; much depends upon Judge Halbert. Gov. Knott returned to Frankfort to-day.