

Shooting at Morehead

C. W. (Cate) Tolliver, 46-year-old farmer living ten miles north of Morehead, Rowan county, one of the last survivors of his family which figured in the Martin-Tolliver feud of thirty five years ago, in Rowan county, was taken to the Good Samaritan hospital at Lexington for treatment of wounds received in a pistol duel with Alfred Fraley, town marshal of Morehead, in the court house yard at Morehead Thursday afternoon.

The first of three bullets fired at Tolliver struck him in the right cheek, the second entered his left shoulder and ranging downward, lodged in his back between his shoulders, and a third struck his hat as he fell to the ground, accompanied him to the hospital. Fraley was slightly wounded in the side by a glancing shot from Tolliver's pistol, it was said.

Sheriff N. L. Wells placed Fraley under arrest, according to C. H. Tolliver and Bert Proctor, nephews of the wounded man, who accompanied him to Lexington. Fraley was charged with shooting with intent to kill and was released on bond furnished by town officials, it was said.

Fraley and Tolliver had quarreled earlier in the afternoon over the release of a man Fraley had arrested some days before on bond furnished by Tolliver, his nephews said. In this difficulty Fraley attempted to draw a pistol, but Tolliver beat him to it, and covered the marshal with his pistol, it was said, but did not fire.

The men separated, but met again in the court house yard, according to C. H. Tolliver and Bert Proctor. Fraley addressed Tolliver from behind, telling him to throw up his hands, according to the account of the shooting given by the wounded man's relatives. Tolliver turned toward Fraley and seeing the latter had a pistol pointed at him, threw up his hands and jumped behind the flag pole in the court house yard at the same time, it was said. Tolliver started to draw his gun and Fraley fired at him, the bullet striking Tolliver in the right cheek. Tolliver then fired one shot at Fraley, which glazed his side, before he was felled by the marshal's second shot.

Fraley's side of the trouble has not been received.

Tolliver is married and has a grown son, Guy Tolliver, 19, who accompanied his father to Lexington, and two daughters, eight and sixteen years old. He is a noncommissioned officer in Company B, Kentucky National Guard, of which a nephew, Ezra Proctor, is captain, and another nephew, Bert Proctor, is a lieutenant.

He is a cousin of Craig Tolliver, and a brother of Bud, Jay, Cal and Lee Tolliver, all of whom were killed in old-time troubles.