

Family Feud Turns Nasty

MULTIPLE INDICTMENTS LEAD TO ONE CONVICTION AFTER INFLUENTIAL IN-LAWS TURN OUT-LAWS

By Susan McCrobie, Hardin County Historical Society

A family feud developing over assets of wealthy relatives during the disposal of an estate is hardly anything new in history. Quite often everyone has their hand out during the dispersal of money for services rendered or transfer of items loaned or promised and disagreements arise. Even the most experienced estate executor may not leave all parties satisfied with the final settlement.

So was the case of the John W. Walker estate. Walker, the economic hub of the Hardin Springs community, left four daughters and their husbands on his death, a demise that followed the tragic death of his only son, and business partner/ heir apparent, just a few years earlier. With the only son now out of the picture, more than one son-in-law wished to make good and expand the dowry of their spouse.

In the end, the legacy of John W. Walker on the community was highlighted with a bitter dispute, fodder for the newspapers, and a few days in the circuit courtroom that have all but been forgotten with the passage of time.

REPRINTED IN ITS ENTIRETY.
Elizabethtown News, April 3, 1896

INCENDIARISM

J.K. Board held Over on the Charge

And Exciting Trial of Two Days Before Judge English.
Miss Iva Board Acquitted and the Case Dismissed
Against Mrs. Board.

A FULL SYNOPSIS OF THE TESTIMONY

Jesse K. Board a well connected young man and a former school teacher was held over to await the action of the grand jury by Judge English on the charge of burning the store-house of Pendleton Cralle at Hardin Springs. His bond was fixed at \$500 which he promptly gave. The case as to Mrs. Board, is wife, was dismissed and the court declined to hold over his sister, Miss Iva Board.

All three of the parties ere arrested at Hardin Springs on the charge of incendiarism and were brought here for trial last Friday by Sheriff Taber and Marshal Funk.

The examining trial was held Tuesday and Wednesday and a large crowd wan in attendance The commonwealth was



-*Elizabethtown News*, October 7, 1904

Jesse Knight Board announced his candidacy, in October 1904, for Hardin County Magistrate, in District 4, subject to the action of the Democratic primary. During that time period there was no voter turnout primary election held in the county and the respective parties would hold a convention with delegates to elect candidates for the ballot in the general election. Magistratial districts in the county numbered six instead of the current eight until the 1960s.

represented by County Attorney J.H. VanMeter, W.J. Marriott, and John S. Spring and the defense by H.P. O'Meara, J.D. Irwin, Judge Nick Mercer, of Breckinridge, and Judge Board of Breckinridge. The court refused to admit the testimony that blood hounds trailed from the burnt building to the house of Board.

A STATEMENT OF THE CASE.

Pendleton Cralle and Jesse K. Board are brothers-in-laws. Both live at Hardin Springs. Cralle is a merchant and Board a school teacher. Bad feelings had existed between the men for some time growing out of the estate of their father-in-law, the late John Walker. This bad feeling culminated in Cralle shooting Board with a shotgun twenty-one days before the store was burned. Cralle has been indicted for shooting Board. Dr. Given, another brother-in-law, had treated Board and had extracted twenty-eight shot from his leg and hand. The store was burned Tuesday night, March 35. The fire originated in a shed in the rear where there was no flue and was evidently the work of an incendiary. Cralle was in Louisville at the time. Tracks were discovered near the shed. Blood hounds were brought there Wednesday morning from Leitchfield and took the scent from these tracks and went to Board's House. They were then put on another line of tracks leading from the house, and the dogs followed this scent back to the store. There was a line of tracks leading from the back of Board's house crossing a paling fence where there were some boards laid up against it and to the store and another line of tracks leading from the store back to the front door of Board's house, crossing a fence where some blood was discovered as it coming from a hand of one in climbing over. A pair of old boots in a side room were discovered. According to several witnesses these boots bore evidence of having recently been worn, the soles being damp and fresh mud upon them. Some witnesses claimed that they were dry except the soles were slightly damp and that some ice on the floor near by caused them to be damp. Another witness testifies that Board had threatened to burn the store, and two others, that Mrs. Board had said to them that it was no worse for Jesse to burn the store than for Pen to shoot Jesse.

The lime of defense was that Board's condition, having been shot, was such that he could not have gone to the store, that he could not have climbed the fence. That he did not leave the house that night; that he was unable two days afterwards to put on his shoes; that the boots showed no evidence of having been worn; that they did not fit the tracks at the house and that any boot of that size might have fit the track at the store; that the man with the blood hounds knew where Board lived before they were put on the trail and that he was suspected of being the incendiary. These statements were all made by witnesses and on some points were in flat contradiction of the testimony introduced by the Commonwealth.

SYNOPSIS OF TESTIMONY.

PENDLETON CRALLE - Store house burned night of the 25th of March; live 200 yards from Board; Board and myself were on bad terms and had been for some time before burning; was not insured; store house belonged to Walker heirs, value \$2,800.

DR. GIVENS - I saw tracks leading towards Board's; I sold the boots to Mr. Board; I am a physician, was the attending physician of Board; saw him knowing about his house before the burning; of course, I could not tell how a man would feel inwardly, but to all appearances he was able to get about I should think.

MR. GREGORY - Clerked for Mr. Cralle; fire in store had died down; the part of the store that was afire first was in a different spot from where the store was.

THE CRALLE CASE.

Pendleton Cralle Fined \$50 For Shooting His Brother-in-law.

A case that attracted much attention in court this week was the trial of Pendleton Cralle for shooting and wounding his brother-in-law, Jesse K. Board, at Hardin Springs last March. The testimony showed that as Cralle was a bout to get on his horse to go to Leitchfield he called to the miller who was standing in front of the mill some fifty yards off, to come there. That Board who was standing by the miller took the matter up as if Cralle had called him and commenced cursing him. Board then ran back into the mill and Cralle ran into his store near by.

Cralle came out with his gun and Board came out of the mill with a stick in his hand. Cralle advanced on him until within about fifty feet, when he shot Board twice. Board was unarmed. There had been bad feeling between the men for some time and Board had threatened to kill Cralle if he ever spoke to him. It was also proven that he had kept a gun and also a pistol in the mill the summer before and that he had practiced with his pistol at stumps and remarked as he hit them, "that would have hit Pen."

These threats, however, had all been made six or eight months before the shooting occurred. Board had had ample opportunity to have carried his threats into execution, as he frequently passed Cralle's store. Board had also sold his pistol and gun. Cralle evidently thought that when Board ran back into the mill that he went for his gun.

The case was not given to the jury until Tuesday at noon and resulted in Cralle being fined \$50.

Big supply of fruit jars at Davis'.

-Elizabethtown News, June 26, 1896

Cralle fired the first shot in a bitter disagreement arising from the settlement of the J.W. Walker estate in the first week of March only to catch heat for his actions.

J.P. MEREDITH - Hounds took trail toward Board's house, found tracks leading from house and found boots damp and soft; mud on them; track fit the boots as well as any I ever saw; we followed hounds to Board's; measured the tracks and they fit exactly.

NOAH MEREDITH - Followed man's tracks; found where man climbed over fence; saw blood on fence; tracks going toward house, went in front door; tracks made a the house were made by the same as at the store, print of some tracks were in the toe and one side of the sole worn off; boots looked like they had been worn recently.

MR. SKEETERS - I measured a track at tore-house; was a piece off the right boot; track near north corner of the house; the boot fit the track exactly; Mr. Nacke had the boots at the store and I measured the track by fitting the boot into it and it fit exactly.

J.W. WATKINS - Am Constable in Big Clifty district; was at Hardin Springs; saw tracks at store and dwelling house; found some tracks on front side of Board's house, some tracks all along; I kept the crowd back while they were tracking; we found the boots and Mr. Meredith said these boots fit the bill and fit the track; boots were damp, had fresh mud on them; I measured the track by the boots; we put the boot in three tracks and they fit alright; we measured the boot to the tracks near the sore and near the house and they fit exactly.

ISIAH WALKER - I saw tracks going from store to Board's back gate and those returning went up front way; tracks shoed boots had been whetted off; I asked Board had anyone been there and he said no; Mr. Board said they could search; we found two pair; fit pretty well; one of the tracks didn't seem to fit the boot so well.

MOSES CRUME - I went up; we measured the tracks up by the house and they didn't fit right; the track at the store fit precisely; went there at family's request.

J.S. CRALLE - At spring the morning the store burned; tracks were plain from house to store; from store to Board's house; blood on fence, and called Meredith's attention to the blood; tracks all made by same boots; Board said the boots had not been worn in six weeks; boots fit the tracks as nice as I ever saw one track.

MISS LUCY EDELIN - About four weeks before the burning, Board said he intended burning that damn man up alive; intended to fire the sore and after that said again he intended to burn out that damn man yet; would be sure to go to when he set it afire.

GEO. TABER - Mrs. Board said in the presence of Mr. Board, it is no more harm for Jesse to burn the store than for Cralle to shoot Jesse.

OVID FUNK - Same as Tabor's; no more harm for Jesse to burn the store than for Cralle to shoot Jesse.

LON GREGORY - Same in substance as Tabor's and Funk's.

G.T. SKEETERS - Kept boots and turned them over to court; dust in boots.

SAM WHITWORTH - Was guarding the people when Tabor came after them; Millie Board wanted me to let Iva escape; I picked up the boots after we got up to Jesse and went out and measured a track; it did not fit the boot; track was one size larger than the boot; saw where the boots had been sitting, the roof leaked; the boots were dry when I saw them Wednesday morning there was dist in the boots; I don't think the boots could have been worn night before.

PENDLETON CRALLE RECALLED - I never told Hilson that I would have indicted for gambling or any statement to that effect.

A. NACHE - I examined the boots; they had some mud on the heel; measured the tracks at the house; the first track fit very

FIRE AT HARDIN SPRINGS.

Pendleton Cralle Burnt Out Without Insurance

His Brother-in-Law Arrested as the Incendiary

The large store house together with the entire stock of goods of Pendleton Cralle at Hardin Springs was destroyed by fire Tuesday night together with the postoffice and its contents. Mr. Cralle's loss is not less than \$2,000 without a dollar of insurance. The fire was plainly the work of an incendiary and blood hounds were brought the next day from Leitchfield to track the fire bugs. The dogs went to one J. K. Board's house and back again and on this circumstance and others, he was arrested, charged with setting fire to the store and his wife and sister was also arrested charged with being accessory to the crime. Board is a brother-in-law to Cralle and is the same man that Cralle shot about three weeks ago. The arrested parties will be tried to-morrow before Judge H. W. English.

-Elizabethtown News, March 27, 1896

well; the next did not fit, also one at the store fit it.

DEFENSE.

J.K. Board - Age 22; raided in Breckinridge county; was at home in bed when store was burned; had not been out of the house since March 4; my sister, wife, and baby were in the room with me; I don't think I could pull on a boot; can't use right hand; Gregory put on my shoes when Tabor arrested me; I never burned Cralle's sore and had nothing to do with it; was up day before fire; saw Cralle day before store was burned and Dr. Givens told me he (Cralle) was going to Louisville.

MISS IVA BOARD - [Live in Breckinridge county; was at my brother's the night the store was burned and was sick; had the doctor three times that day; slept that night in same room with Board, and his wife; I never burnt Cralle's store; the boots were damp on bottom but were dry elsewhere; the room a damp one and leaked; also kept ice in the room for Jesse; did not try to escape after arrested; I helped to dress Jesse's wounds and don't think he could put on a boot; we had to put on his socks.

I ROYALTY - I went to Leitchfield after Marshall and his blood hounds; Given and Gregory sent me; just before we got back to Hardin Springs Meredith asked me to show his were Board lived and I told him and pointed out the house.

NED PINKSON - I was one of the four appointed to measure tracks; the first two tracks we measured were in the mouth of a little lane; the next one near the store; the first two did not fit the boot; the last one fit it very well; the boots were dry when I saw them.

MRS. J.K. BOARD - Am the wife of Jesse Board; was up with Miss Iva Board several time in the night as she was sick, the baby also kept me awake; I don't think Miss Iva could have left the house without my knowing it; she slept in the room with us.

FRANK GIVEN - Saw the tracks measured and did not think the boot fit them; I examined the boots; they did not look like they had been worn lately; I turned up part of the sole and it was dusty underneath.

DOC JONES - The ground is rough at Hardin Springs; the

picket fence is about four feet high; I tried to get over it with one hand and could not and do not think Board could in his condition.

DR. J.W. O'CONNOR-I examined Board's condition Saturday; think it would be a hard matter for him to walk 250 yards; his hand is quite stiff and it would be difficult for him to climb a fence.

GEO. HILTON-Pendleton Cralle offered me \$50 to condemn Board of setting fire to a store across the road, Pen Cralle's, that was set afire sometime ago; Cralle told me this morning that if I testified he would prove that I was a gambler.

DR. S.L. GIVEN RECALLED - A bone in Jesse Board's finger was either broken or fractured; I told Mr. Jones that Miss Iva was sick the day before the fire and that my evidence would clear her as she had been a perfect lady since she had been at Hardin Springs.

EDITOR'S NOTE: *While J. K. Board was held over on the charge of burning Cralle's store, there is no record of a trial before the Hardin County Grand Jury on the charge in the news. This failure to indict most likely was based upon the lower courts' refusal to admit testimony regarding the blood hounds. It didn't hurt that Board's council consisted of attorney's that had held powerful elected positions in Breckinridge County, County Judge Nicholas McCleary Mercer and both Sheriff and County Judge Milton Board. Jesse Board cast his hat in the political arena just a handful of years later in Hardin County.*

DOWN MEMORY LANE(S)

The resort community of Hardin Springs, where Jesse Board and Pen Cralle lived, first attracted guests with its natural curiosities and mineral waters. After the death of their father-in-law, J.W. Walker, the resort's hotel was sold multiple times.

In 1903, Henry Gotthardt, a German immigrant born in Dresden Saxony, purchased the hotel and had a long indoor hall built and fitted with two up-to-date Brunswick-Balke Collender Co. bowling alleys for the entertainment of prosperous guests along with tennis courts, horseshoes, horseback riding, hunting, fishing, rowing with skiffs, motor boating, bathing, strolls, picnics, music and dancing.

The lanes, in first class condition, were fitted with new balls, pins, and other articles associated with the sport and most likely the first bowling lanes of record in the county.

The Brunswick-Balke Collender Co. was formed in 1884 through a merger and incorporated in 1907. It is the oldest and largest manufacturer of recreation and leisure-time products in the United States. Its predecessor, Brunswick, began as a family firm with billiards and added the bowling pins and ball line in the 1880s.

An alley built in 1914 for steel tycoon Henry Clay Frick by the same company and similar to the one described in Hardin



Springs Hotel advertising during that time cost the princely sum of \$850. Balls ran an additional \$100. It appears that entertaining the well-to-do required some serious capital.

There are only a few of these early works of art left in the United States today, in various stages of preservation, and it is not clear when the grand establishment on the banks of the Rough River became only a memory.

Wednesday August 9th 1871

At a Special Term of the Hardin County Court held at the Court House in Elizabethtown on Wednesday Aug. 9 1871

Present

Hon. A. B. Montgomery, County Judge

Elijah Hansbrough this day paid the Clerk Ten Dollars State Tax, and executed bond with Conrad Hurty as Security, which was approved by the Court whereupon he is hereby licensed to keep a Ten Pin Alley for twelve months from this date at his Bowling Saloon at Rough Creek Springs

-Photo courtesy of the Hardin County Clerk's Office Court Order Book

Even as early as August 1871, the community of Hardin Springs had its own bowling alley.

Nine Pin Bowling and Ten Pin Bowling in 19th Century America

American Bowling grew out of the old past-time of ninepins, whereby a player would roll a ball towards nine upright wooden skittles or pins, arranged in a diamond pattern, with the object of knocking them over. The game had developed from the traditional games of skittles which had been brought to America by German, Dutch and English settlers. Nine pin bowling became particularly popular in the northeastern states of America and in 1840 the first indoor bowling alley was built in the city of New York. Nine pin bowling had a reputation for encouraging bad behavior and in an attempt to curb the gambling, crime and

violence which had become associated with the game, there were attempts in the mid-nineteenth century to outlaw Nine Pin Bowling.

Because Anti-bowling legislation in Connecticut specifically mentioned the prohibition of "bowling at Nine Pins", bowling alley proprietors introduced a tenth pin to get around the ban. Now ten in number, the bowling pins were arranged in a triangular formation. The new sport became known as American tenpin bowling to distinguish it from the traditional European game of ninepins or skittles.



-Photos courtesy of the Hardin County History Museum

Whether it be horseback riding or a leisurely stroll along the Rough, postcards from Hardin Springs told of the good times had at western Hardin County's 'vacation paradise.'



LOG CABIN ROOTS and HARD WORK REMEMBERED

One of the Top 10 Wealthiest Men Hardin County and a Business

By Susan McCrobie, Hardin County Historical Society

During the 2009 Lincoln Bicentennial many Kentucky rooted associations of the sixteenth president were readily discussed, a substantial number of those past Hardin County residents.

Fifty-five years to the day before Lincoln gave his last public address from the Whitehouse, one based upon reconstruction and expressed his support for black suffrage that incensed John Wilkes Booth, eastern Hardin County residents, Thomas Glasscock and his wife, the former Jane Milligan, welcomed a son, George Washington Glasscock, into their family.

George Glasscock spent the first two decades of his life in Hardin County before the explosion of growth and economic opportunities caused him to follow the leadings of an

adventurous spirit to St. Louis, the gateway to the West, where an uncle resided.

When the Sauk and Fox Indian Tribes, lead by Indian Chief Black Hawk, became a thorn in the side of Illinois and the United States Government in April 1832, volunteers from every one of the middle western states were called to put down the panic among the residents of the Illinois frontier resulting from several hundred well-armed Indians crossing the Mississippi River back into Illinois to plant corn. All while males between the ages of 18 and 45 were obligated by the Illinois Governor Reynolds to enlist in the militia, and provide themselves with the proper equipment. Both Lincoln and Glasscock enlisted at Richland for 30 days service, beginning on April 21, 1832, in Captain J.M. Earley's Company. George Glasscock was elected First Lieutenant of the company where Lincoln served as a private.

After the close of the hostilities, and while in Illinois, he engaged in flat-boating on the Sangamon and Illinois rivers, and had no less a partner in that enterprise than Abraham Lincoln.

Taking leave from river traffic, Glasscock returned to St. Louis but his sister, Ann, remained in Illinois having married Abner Ellis, a good friend of Abraham Lincoln. Ellis was the Springfield business partner of Joshua F. Speed and also at one time a business partner of Archer Herndon, the father of William Herndon, another Kentuckian and Lincoln's future law partner.

In September 1835, Glasscock left Missouri bound for the province of Texas where he engaged in merchandising with T.B. Huling and Henry Millard in the extreme southwestern corner of the state, and beside selling goods the firm also did land locating. It was as a land looker and surveyor that George Glasscock first became acquainted with Texas. While traveling to what are today the counties of Travis, Williamson, Burnet, Lampasas and Milam he experienced a few more Indian hostilities similar to those of the Black Hawk encounters in Illinois and Wisconsin.

Glasscock was one of the soldiers of the Texas Revolution and part of the army in the fall of 1835 that besieged and captured San Antonio.

Following his participation in the Siege of Bexar, Glasscock made his home in southwestern Texas, owning several hundred acres, that he cultivated wheat grain upon. He built the first flouring mill ever seen in western Texas to harvest his wheat crops and further his prosperity.

Glasscock was a man of substantial means and used his influence and often times liberally contributed of his worldly possessions to encourage settlement and to help many a pioneer family in the vast Texas landscape. In 1846, he helped to organize Williamson county, carved from Millian, and donated 172 acres for its county seat from his own holdings. The new county seat was subsequently named Georgetown in his honor.

In 1853, he returned to Travis County and represented

CAPTAIN J. M. EARLEY'S COMPANY.

Thirty Days Men.

**CAPTAIN,
Jacob M. Earley.**

**FIRST LIEUTENANT,
G. W. Glasscock.**

**SECOND LIEUTENANT,
D. B. Rusk.**

SERGEANTS.

Zachariah Malugin, Noah Mason,
Jacob Eby, W. M. Neale.

CORPORALS.

W. H. Brents, William Crow.

PRIVATEs.

James D. Henry, Samuel O. Neale;
Achilles Morris, A. Lincoln,
James F. Reed, John Paul,
William S. Pickrell, John T. Stuart,
William L. Potts, John L. Stephenson,
Jesse Danon, L. D. Matheny,
Joseph McCoy, Adam Smith,
Hugh McGary, Harrison McGary,
Montgomery Warrick, John C. Warrick,
B. F. Pickrell, John Baker,
George Harrison, George Stout,
John Brewer, J. R. Loveless,

R. J. Gilbert.

-History of Sangamon County

The History of Sangamon County, Illinois, published in 1881 by the Chicago Inter-State Publishing Company provides a detailed account of the Black Hawk War and lists the names of men serving in the many companies called to service to put down the hostile activities of the Sauk and Fox Indian Tribes. Many that served received land grants in Iowa, including Abraham Lincoln.

In the United States Born in Partner of the President



During the American Civil War, Glasscock served with the 33rd Texas Cavalry, C.S.A. while Texas state politics were on hold.

After the war, he became the president of the Air-Line Railroad and was serving in that role when he suddenly died in 1868 as a result of injuries received when a horse he was riding fell.

At the time of his death, he owned hundreds of thousands of acres of land in Williamson and Travis counties and was listed as one of the Top 10 wealthiest men in Texas in the 19th Century.

Prominent in Masonry, Glasscock had been an active member of Austin Lodge, No. 12, A. F. & A. M., and a portion of the tribute of respect drawn up and published by the lodge at the time of his death follows:

"Our deceased brother was no ordinary man. There was a tireless energy in his character that entered into all his pursuits, and was the grand element of success. Possessed of a powerful native intellect and singularly clear perceptions, he understood human nature in an uncommon degree; and few combinations of circumstances surprised him or found him unprepared for any emergency that might present itself. Of a disposition singularly generous, a heart tenderly mild, he was open handed as the day to every call for charity made upon him either as a Mason or a man.

"He was a Mason of many years' standing; and those of us who have know him longest miss, and will always miss, his presence from our mystic circle, and as we cast our eyes around us, while we notice the absence of many with whom we have been associated in former years, the remembrance of no one will call forth a deeper sigh than we heave as we mark the vacant seat of him whose loss we now deplore.

"And the suddenness of his departure from among us increases the force of the blow under which we bend in unavailing sorrow. One day we saw him among us, living, strong, active, full of energy and vitality; and through slightly past the prime of life, with the apparent prospect of many years of active life and prolonged usefulness; the next, our hearts are chilled with the sad news that he is done with us, and life and time and that we shall no more see and associate with him till the great Author of life shall call us all from the grave. So stunning the event, that we hardly yet realize is actual truth.

"Resolved, That in the death of our lamented brother, George W. Glasscock, we feel that we have sustained a loss not easily repaired; and while we bow in humble submission to that Overruling Providence, more wise than we, we cannot but give way to the grief so great a misfortune is so well calculated to produce.

"Resolved, That while we forget the frailties of our departed brother, to which all are liable, we will cultivate the recollection of his many virtues, and emulate his example in all that was good and excellent in his character."



W. W. Glasscock

In 1887, the Texas State Legislature created a new county in Texas and named it "Glasscock County" in honor of this early settler, legislator, surveyor, soldier and businessman.

NOTE FROM THE EDITOR: While living in Jasper County, Texas in 1837, George Glasscock married Miss Cynthia C. Knight. They shared together the privations and difficulties of pioneer existence in Texas, and she died in the city of Austin in 1866. They were the parents of ten children altogether, three of who died before the parents.

While ten children seems to be a large family, George's great-grandfather, Peter Glasscock, Sr. produced sixteen children that all lived to adulthood. This old sire, who assisted the Virginia Continental Army during the American Revolutionary War, was a wealthy man with a large plantation adjacent to that of his cousin, George Washington. . At the end of the war in 1781, he is listed in the Fauquier tax list as owning 11 slaves before relocating to Rowan Co., North Carolina.

Jim Crow Law Entitles Local Woman to Damages from L&N

ACTION FOR RELIEF HEARD BY MULTIPLE JUDGES AND JURIES BEFORE FINAL VERDICT IS UPHELD

QUINN v LOUISVILLE & N. R. CO.
(Court of Appeals of Kentucky, October 31, 1895)
RAILROAD COMPANIES-RIGHTS OF PASSENGERS-
SEPARATE COACH LAWS.

A railroad company whose conductor allows an intoxicated white passenger to enter or remain in a coach reserved for colored persons is responsible for his conduct while there, and is liable in damages to a passenger in such coach to whom he uses obscene or indecent language, or whom he otherwise maltreats.

Appeal from circuit court, Hardin county.

"To be officially reported."

Action by Fannie Quinn against the Louisville & Nashville Railroad Company. Judgment for defendant, and plaintiff appeals. Reversed.

Hobson & O'Meara, for appellant. W.H. Marriot, for appellee.

PRYOR, C.J. The appellant, Fannie Quinn, was a passenger on the train of the appellee, being carried from the city of Louisville to her home at Elizabethtown, in this state. While in the coach assigned her and her race by the company (she being a colored woman), and complying with the regulations of the corporation, as well as the statute, in regards to the separate coaches, she alleges that certain white passengers in an intoxicated condition entered the coach to which she had been assigned, and the one set apart for the colored race, and while in this car used violent, profane, obscene, and indecent language in her hearing, such as humiliated her, and disturbed the peace of those in the car; that they were permitted to enter this car by the consent of the conductor, and against her consent and earnest protest, etc. The railroad company, by its answer, placed in issue the material facts alleged, and, upon hearing the evidence, the jury returned a verdict for the defendant; and the principal error relied on for a reversal is the error of the court in the instructions given the jury.

The facts of this case are in substance these: The appellant had been to the city of Louisville, attending an educational convention as a delegate, and, when returning, was assigned to the coach set apart for her race. There were but few passengers in this coach, and the witnesses for the appellant state that the conductor, or some officer of the company similarly uniformed, was in the car, and appealed to for protection, and his response was, "They have no business in here, but they will come in." One of the white men was much intoxicated, and, after he had given an aged colored man a drink from his bottle, he offered a drink to the appellant, and perhaps laid his hand upon her, at the same time making such profane and indecent remarks as were calculated to humiliate and mortify the appellant, as well as other passengers, the language used being heard at the far end of the car. The conductor testifies he was busily engaged in taking up tickets, the cars being crowded, and, as he passed through the coach for colored persons, saw a white man standing in the aisle, talking to a colored man, and said to him:

"This is the car for colored people, and you must go out." The reply was, "Yes, captain, I know that; but I want to speak to this old colored man for a few minutes, and will only be here for a minute or two, and will go out;" and the conductor then proceeded to the other cars, leaving the white man in the coach with his old colored friend. He further stated that he had been instructed by the company to permit white passengers to go into the car set apart for colored people on business, when he had no reason to believe from their appearance they would misbehave, but would not permit them to ride there as passengers. The person entering the car was introduced as a witness, and says he was intoxicated, and, seeing his colored friend in the car, stepped into to give him a drink, and corroborates the conductor as to what took place between himself and that officer. He does not recollect using the language attributed to him; may have used profane language; but nothing more. That this witness was intoxicated is beyond controversy, and, from the uncontradicted testimony in the case, an ordinary observer would have arrived at such a conclusion. The haste of the conductor in his efforts to collect the fares and take up tickets in the other cars accounts, no doubt, for his failure to observe the condition of the white passenger, and, we may observe, caused his assent to his

Circuit Court Proceedings.

Fannie Quinn vs. L. & N. R. Co. Plaintiff sued defendant for permitting a white man to come into colored compartment of one of its coaches in which she was a passenger, and to there use indecent language. On the first trial the jury decided in favor of the defendant but, on an appeal the Court of Appeals reversed that judgment and sent the case back for a new trial. This trial resulted in a verdict for plaintiff for \$100.

-Elizabethtown News, March 27, 1896

Fannie Jeffries Quinn was the wife of James Quinn of Elizabethtown. Measuring the relative worth over time of the \$100 judgment she received, the same figure would have been in the excess of \$2,600 in 2009 according to measuringworth.com.

remaining longer in the colored compartment. It is contended by counsel, and upon this idea the instruction below was framed, that if the conductor was otherwise vigilant, and was ignorant of the passenger's condition and treatment of the colored passenger, no recovery could be had. Upon the question of knowledge on the part of the railroad officials as to the rude conduct of the white passenger, the testimony is conflicting. While the mere presence of the intruder into the coach for colored persons, with the knowledge of the conductor, would not give to the occupants a cause of action against the corporation, we cannot concur with counsel of the court below that the separate coach law has no application to the facts of this case. It is not necessary, in order to permit a recovery, to show that the conductor knew of this bad treatment of the colored passenger, or from his condition had the right to anticipate it was the purpose of the intruder to produce trouble. He should not be allowed to enter the car, or to remain there after his presence is discovered. In the transportation of passengers prior to the passage of the separate coach bill, the frequent disturbances arising between the two races, resulting often in serious injuries being inflicted by the one on the other, and the danger to other passengers, lead to the enactment of this law as a police regulation, in order to prevent, as far as possible, these altercations upon railroad trains, and to check the disposition of those of the dominate race to offend and humiliate those who were entitled to the protection of the law. No discrimination is made by law in favor of the one race or the other. Each have the same facilities as to transportation, as to conveniences and accommodations, in the coach to which they are assigned. In order to make this law the more effectual, heavy penalties are imposed on the railroad companies for not having separate coaches, and upon the conductors, or those in charge of trains, for not assigning to each white or colored passenger their respective compartments. St. Ky. 797-800. If, and we shall assume was the case, each one of the passengers have been assigned the coach required by the statute, and the white passenger had left his coach, and gone into the coach with these colored people, without the knowledge of the conductor, while he was attending to his duties in the other cars, and had there abused and insulted the appellant, it is plain no action could be maintained against the company; but when the white passenger is assigned to the cars set apart for those of another race, the company will be held responsible for his bad conduct, affecting the rights of other passengers, although the conductor may be ignorant of what is transpiring; and where the conductor, or those managing the train, knows that one is in the wrong car, it is his duty to expel him, and, by consenting to his remaining, the company becomes responsible for his conduct so long as he does remain. If a contrary rule is applied, and no liability exists on the part of the corporation to the passenger, the separate coach law becomes a dead letter, and those who are entitled to its protection have no means of enforcing its provisions but by an indictment, where a penalty may be adjudged in favor of the state. It is made the duty of the conductors, under heavy penalties, to execute this law, and, where there is a neglect of duty for which a penalty is imposed, the private injury results from this neglect, a cause of action arises in favor of the person injured. This is the universal rule applicable to such cases, and should be made to apply to the facts of this case.

It may be contended that the white passengers, having been



Segregation existed on American Railroads from the 1830s through the 1960s. While states could not impose segregation, private individuals including corporations, like railroad companies, were free to do so. Many railroads used a wall to divide colored passengers from the whites. Noticed the sign to the right that clearly labels the colored compartment.

assigned to his proper coach, and then leaving it without the knowledge of the conductor, exempts the company from liability, unless the conductor knows of the wrong being committed, or the purpose of the passenger, by reason of his conduct, to mistreat passengers. This would perhaps be a rational conclusion, unless it further appeared the conductor, or "those controlling the train, knew of the white passenger's presence in the colored compartment, and took no steps to require him to leave. Here the conductor assented to his remaining in the car until he dispatched his business with the old negro, and the company should be held responsible for his conduct so long as he remained; and any other construction of the duties of corporations and their agents, arising from the passage of this law, would nullify its provisions, or amount to a disregard of the manifest purpose of the legislature in enacting it. It would enable passengers and railroad officials to violate this law with impunity, and tend to increase the mischief the statute is intended to prevent.

The court should have told the jury that the law required the corporation to provide separate coaches or compartments for its white and colored passenger; and if the agents of the corporation permitted the white passenger to enter into the coach set apart for colored passengers, or if the agents or servants, when seeing him in the car, permitted him to remain in the coach, the company is responsible for his subsequent conduct, and liable in damages for the maltreatment, if any, of the plaintiff, although the conductor may not have been present when the obscene and profane language, if any, was used by the white passenger. Conductors, or those in charge of passenger trains, are invested with the power to protect those who for the time being are under their charge; and, when it is shown they have exercised that vigilance that prudent men would exercise for the protection of the passenger, the company is relieved from liability. The effects of whisky on the white passenger induced him to maltreat this colored woman, and, not only so, his intoxicated condition must have been apparent to anyone exercising the slightest care for the woman's protection. The judgment below, for the reasons given, is reversed, and remanded for proceedings consistent with this opinion.

March 21, 1896, Hardin County residents, G.H. Givan, Jesse Tarpley, Mark Cartes, J.W. Lineuford, Wayne Miller, J.D. Glasscock, E. B. Stith, Frank Goodin, Matt Cowley, R. L. Buehauan and C.B. Creagor served as jurors, awarding Fannie Quinn damages in her suit against the L & N Railroad Company.

DEATH OF A RESPECTED COLORED MAN.

He Drove the Hearse That Contained the Body of Clay.

"Uncle" Bill Lewis, aged seventy-eight and one of the most noted negro characters died at his home in this city Monday night. He was uniformly polite and accommodating and there was no better judge of a horse or a finer driver in the State. For many years he was the carriage driver for Mr. Samuel Thomas and after his death he managed the stables for Mr. R. B. Park. Uncle Bill bought his wife during slavery, he being a freeman himself and paid for her in cash.

In his day Lewis was considered the prince of Jehues, and his knowledge of horse flesh was unquestioned. At the time of Henry Clay's death Lewis was employed as coachman by the late Samuel D. Tompkins, and when the body of the illustrious statesman was brought to Louisville, the horses of the Ward and Tompkins families were attached to the hearse, and Lewis drove them. The same horses drew the hearse containing the remains of President James K. Polk, but as a Tennessee dinky had accompanied the funeral cortege, Lewis was told that it would be etiquette for him to surrender the place of honor to the stranger, and walk by the side of the hearse. This was courteously consented to, but hardly had the procession started before the Tennessee man found he could not manage four horses, and asked to be relieved from duty. "He done told everybody he had cramps in his arins," chuckled Lewis, sarcastically, "but we all knowed he didn't know anything 'bout driving." The funeral was attended by a number of the white people of the town.

-*Elizabethtown News, June 12, 1896*

We all remember "Uncle" Henry Williams; the black servant of the Rev. Samuel Williams, and his Civil War stories like the saving of the Reverend's silver from John Hunt Morgan's Raiders and forced travel to Fort Donelson, Tennessee as a driver for the Union Army.

Here yet is another local black man, a freeman, that would have known Williams well. His adventures in life as related in his death notice carry promise of great stories.

Years before the American Civil War, "Uncle" Bill Lewis was employed by Samuel D. Tompkins, son of Joseph Tate Tompkins, the well-to-do Louisville Wholesale Dry Goods Merchant.

In the early summer of 1847, Bill Lewis had the honor of driving a team of fine horses that pulled the hearse of Henry Clay, Jr. through the streets of Louisville.

Clay, the second son of the great Kentucky Senator and Congressman, Henry Clay, was killed on February 22, 1847 at the Battle of Buena Vista, Mexico during the Mexican American War. Four months after his death, his remains, along with other Kentuckians killed at the same battle, was transported by the steamer Ringgold from New Orleans to Louisville.

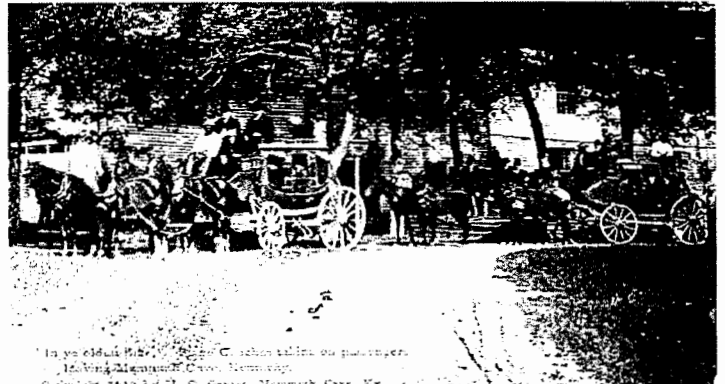
Records indicate that Louisville was draped in mourning black as it received the dead with military honors due to fallen heroes.

From there, Clay's body was taken to the family home of Ashland, at Lexington, and onto the state cemetery at Frankfort for burial on July 20, 1847.

Lewis was known to jest about his part in handling a team of four horses during the 1849 funeral procession of President James K. Polk due to another's lack of skill handling horses.

Leis drove for Elizabethtown millionaire, Samuel Beale Thomas until his death in 1874. Thomas operated a successful stage coachline.

After 1874, Lewis managed the Elizabethtown stables of Robert Buckner "Buck" Park. Park operated a big mule barn at the corner of South Mulberry and Helm, across the street from the present day Mulberry-Helm School building.



Colored drivers pull up stagecoaches at Mammoth Cave.



Message From The President

The art of war is simple enough. Find out where your enemy is. Get at him as soon as you can. Strike him as hard as you can, and keep moving.

-Ulysses S. Grant

April has arrived! This month is full of observances, Tax Day on the 15th, Passover on the 18th, Earth Day on the 22nd and Easter on the 24th.

Another day of historical significance is April 12th. On this day in 1861, Confederate forces attacked a U.S. military installation at Fort Sumter in South Carolina, beginning hostilities that stretched across four Aprils in a war between the states. The Honorable Samuel Haycraft, Jr., in his diary wrote of the historic event and of the 'secesses' flag hoisted from the Elizabethtown courthouse six days later.

Our April guest speaker, Chris Kolakowski, director of the General George Patton Museum, will be sharing significant insight on Kentucky's bloodiest battle of the American Civil War at Perryville as it related to events leading up to that momentous battle and the personalities of its players that shaped events in U.S. military history as much as the terrain, weather, and politics did that dry October 8th day in 1862.

Hardin County has experienced its own share of nasty battles over the years including a family feud or two. I hope you enjoy reading all the details as much as local residents must have over 100 years ago.

When we meet again in July, the winner of the Hardin County Historical Society's Mary Jo Jones Scholarship will entertain us with their personal insight into the pages of history.



The Hardin County History Museum invites you to become a member. *Your membership will help support our mission to collect, preserve, exhibit, and educated the public to the history of Hardin County, Kentucky for the inspiration of the community!*

Supporting the Hardin County History Museum is the right thing to do.

History provides context and inspiration for community spirit and that is good business! When a community talks it remembers and relates itself to the past. Collecting, recording, and preserving our common identity makes for a community that knows its origin, which promotes pride and a sense of community identity.

Please select one of the annual membership levels that fit your needs and join the growing family of Hardin County History Museum friends. Your financial support will help bridge generations as we preserve the past, enhance the present, and invest in the future.

- Samuel Haycraft Level (single).....\$10.00
- John Shields Level (couple).....\$25.00
- Martin Hardin Cofer Level (family).....\$50.00
- Carl Brashear Level (small business owner).....\$100.00
- Gov. John Helm Level (business 1-10 employees).....\$500.00
- Pres. Abraham Lincoln Level (business 10+ employees).....\$1,000.00

Drop off or mail to:

**Hardin County History Museum
201 West Dixie Avenue
Elizabethtown, KY 42701**

Make your check payable to Hardin County History Museum and remember to write museum membership/donation on the memo line.

All donations are tax deductible.

Historical Society announces next meeting



Chris Kolakowski

The Hardin County Historical Society will meet Monday evening, April 25, 2011, at the STATE THEATER GALLERY, 209 West Dixie Avenue, in downtown Elizabethtown. The buffet dinner, catered by BACK HOME, will be served at 6:30 PM. The price is \$8.50 per person. Call Judy French at 735-9698 or email jmfrench9@windstream.net by **Friday, Apr., 22nd, for dinner reservations**; later reservations for the meal cannot be guaranteed.

The dinner is followed by a special program, “**The Perryville Campaign**” by Christopher Kolakowski, author of *The Civil War at Perryville: Battling for the Bluegrass State* and *This Army Does Not Retreat: The Battles of Stones River and Tullahoma*, concerning battles in Tennessee in 1862 and 1863.

Kolakowski has been immersed in military history all his life, having been born and raised in Fredericksburg, Virginia. He has worked for the National Park Service, the Civil War Preservation Trust, and Kentucky State Parks, among others. He served as Chief Preservationist for the Perryville Battlefield State Historic site, Chief Curator of the National Museum of the Army Reserve in Fort McPherson, Georgia, and currently serves as Director of the General George Patton Museum at Fort Knox.

HARDIN COUNTY HISTORICAL SOCIETY
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