

THE

---

# REGISTER

---

OF THE KENTUCKY HISTORICAL SOCIETY



THE  
**REGISTER**

OF THE KENTUCKY HISTORICAL SOCIETY

Winter 2000

*Published Quarterly*

Vol. 98, No. 1

Melba Porter Hay  
*Interim Editor*

Berea College in the 1870s and 1880s: Student Life at a Racially Integrated Kentucky College Marion Lucas .....	1
“An Assurance that Someone Cares”: The Baptist Home for Business Girls, Louisville, Kentucky, 1923–1928 Keith Harper .....	23
Congressman David Grant Colson and the Tragedy of the Fourth Kentucky Volunteer Infantry Thomas E. Stephens .....	43
Book Reviews .....	103
Book Notes .....	133
A Word From The Editors .....	137

COVER: Detail of the battle flag of the Fourth Kentucky Volunteer Infantry, which served during the 1898 Spanish-American War. The \$300 cost of the flag, said to be “about the finest that ever left Kentucky,” was largely raised by Manchester schoolteacher Mattie Marion, who was named “daughter of the regiment” for her efforts. The design is a version of the state seal in blue silk. The reverse features “an American eagle in the attitude of swooping down on an enemy.” It was donated to the Kentucky Historical Society in 1903.

# Congressman David Grant Colson and the Tragedy of the Fourth Kentucky Volunteer Infantry

by Thomas E. Stephens

On April 25, 1898, Theodore Roosevelt resigned his post as assistant secretary of the navy and was appointed lieutenant colonel of the First United States Volunteer Cavalry. Roosevelt's "cowboy regiment" – which he termed "as utterly reckless a set of desperadoes as ever sat in the saddle" – became the celebrated Rough Riders that helped him realize his long-held dream of creating a military unit to help remove Spain from Cuba.<sup>1</sup> Within the tidal wave of martial spirit that swept the country in the months leading up to the April 21 declaration of war against Spain, a Kentuckian, Congressman David Grant Colson, was also planning to raise or join a regiment and, like Roosevelt, left his position to do so.<sup>2</sup>

Since his election to Congress in 1894, Colson, who represented eastern Kentucky's Eleventh Congressional District, had been committed to the cause of Cuban independence.<sup>3</sup>

---

Mr. Stephens is an associate editor on the Kentucky Historical Society's publications staff. He wishes to thank Isabelle and Ken Smith, Jane Julian, Jerry Gregory, and Roger Gillespie for research assistance, and Dr. Thomas H. Appleton Jr. for research assistance and technical advice and for editing the manuscript.

<sup>1</sup>Edmund Morris, *The Rise of Theodore Roosevelt* (New York, 1979), 339, 614. The Rough Riders eventually included members of other groups of Roosevelt's acquaintance, including Ivy League types and New York City policemen. An interesting sidelight is Roosevelt's April 25, 1898, letter to Kentuckian Roger D. Williams: "My Dear Williams—In the event of my not getting all the men that we need in the Rockies for our regiment of mounted riflemen, will you organize and command a company of good men from Kentucky who could ride and fight, shoot and obey orders?" *Lexington Herald*, April 28, 1898.

<sup>2</sup>*Middlesboro Weekly Herald*, April 1, 1898. Colson, who did not resign, was one of four congressmen to "leave" their seats to fight. See also *Lexington Herald*, May 27, 1898; *Louisville Courier-Journal*, April 24, 1898; and Jeffrey B. Morris, Richard B. Morris, and Henry Steele Commager, eds., *Encyclopedia of American History* (New York, 1996), 323. Colson announced his intention on the floor of the House.

<sup>3</sup>*Lexington Herald*, November 7, 1894. See also Emma Guy Cromwell, *Official Manual for the Use of the Courts, State and County Officials and General Assembly of*

Whether he knew Roosevelt personally or not, the Middlesboro Republican was a member of the loosely organized “Free Cuba” group of agitators that also included Senator Henry Cabot Lodge, then-Commodore George Dewey, Leonard Wood, and Colson’s fellow congressman Joseph E. “Fighting Joe” Wheeler of Alabama.<sup>4</sup> Generally a supporter of the McKinley administration, Colson had a reputation of being bipartisan when he could, often voting with southern Democrats on regional questions. He was known as a “forcible speaker,” and admirers – including President William McKinley – liked his “quiet and amiable disposition.” He was said to have had more influence with the president “than any other member of the party in Kentucky.”<sup>5</sup>

“A power socially and politically,” Colson held sway over a sizable portion of the GOP’s machinery in Kentucky, virtually controlling everything in the Eleventh Congressional District, from old-age pensions to presidential appointments. Colson, it was said, held “the political fortunes of this entire district absolutely at his own will.” Magnanimous reputation notwithstanding, the congressman subscribed to the politician’s universal code of “loyalty.” One critic called it a “most exaggerated notion as to loyalty to his political friends and helpers, a notion which led to unwise political appointments. . . .” It was this aspect of his personality that would

---

*the State of Kentucky* (Louisville, 1898), 77; *Richmond Register*, July 26, 1895; and undated clipping in Colson Scrapbook, Southern Historical Collection, University of North Carolina Library, Chapel Hill. The district was long known as the “Bloody Eleventh,” mainly for its often-bitter Republican primaries, which routinely determined its congressman. The district was gerrymandered to include as many “Republican” counties as possible. It was composed of the counties of Adair, Bell, Casey, Clay, Clinton, Harlan, Knox, Laurel, Leslie, Metcalfe, Owsley, Perry, Pulaski, Russell, Wayne, and Whitley.

<sup>4</sup>*Congressional Record*—House, April 6, 1898, 3629, and *Kentucky Post*, September 28, 1904. While no correspondence between Colson and other members of the movement has been located, Colson clearly advocated the group’s views in Congress and even echoed Roosevelt’s emphasis on naval expansion. He told his friend S.R. Crumbaugh that a war with Spain was coming “long before I thought seriously.”

<sup>5</sup>*Kentucky Post*, September 28, 1904; *Lexington Herald*, September 30, 1904; and *Cincinnati Enquirer*, January 18, 1900. The McKinley quote is from S.R. Crumbaugh. Crumbaugh said Colson’s influence with the president was rivaled only by that of Bradley aide John W. Yerkes of Danville.



*KHS Collection*

**Congressman David Grant Colson, circa 1895. The Middlesboro Republican was a member of the “Free Cuba” movement in Washington, D.C., which included Theodore Roosevelt and Henry Cabot Lodge.**

cost him his career and – ultimately – his life.<sup>6</sup>

Colson had been one of fourteen House Republicans who broke with Speaker Thomas Buchanan Reed over Reed’s opposition to a war with Spain and the administration’s reluctance to declare it. “What are we going to do?” Colson had asked his colleagues, “Why, recognize the independence of Cuba.”<sup>7</sup> “Reed will weaken before the break comes,” Colson told reporters on March 30. “He can not stand the

<sup>6</sup>*Middlesborough News*, October 1, 1904.

<sup>7</sup>*Middlesboro Weekly Herald*, April 1, 1898.

rush, and he is too proud to be run over. He will yield before he is forced to.”<sup>8</sup> The brilliant, egotistical Reed of Maine – arguably one of the nation’s best Speakers of the House – could only agree. In response to the urging of New York governor Levi P. Morton to “dissuade” the dissenting Republicans clamoring for war, Reed exclaimed: “Dissuade them! The Governor might as well ask me to step out in the middle of a Kansas waste and dissuade a cyclone.”<sup>9</sup>

After several unsuccessful attempts to secure himself a position, the thirty-seven-year-old Colson was commissioned a major in the Third Kentucky Volunteer Infantry by Republican governor William O’Connell Bradley on April 17 and, on May 25, was appointed colonel (commanding officer) of the newly created Fourth Kentucky Volunteer Infantry.<sup>10</sup> “Mr. Colson has the courage of his convictions,” said the *Middlesboro Weekly Herald*. “He fought in congress for Cuban liberty, and now proposes to go to the front and fight for it. All honor to such men.”<sup>11</sup> Getting his affairs in order so he could serve, Colson met with fellow Republican Vincent Boreing, owner of the *London Mountain Echo*, and agreed to “get out of Boreing’s way” in the fall election. Colson would not stand for reelection to Congress.<sup>12</sup>

Enjoying the sudden good fortune of having his own regiment to lead, Colson searched for an identity for his eastern Kentuckians, men he thought could fight and shoot

<sup>8</sup>*Ibid.*, April 1, 22, 1898. See also *New York Times*, April 19, 1898, and *Lexington Leader*, September 28, 1904. Reed had appointed Colson chairman of the Committee on Expenditures on Public Buildings.

<sup>9</sup>Barbara W. Tuchman, *The Proud Tower: A Portrait of the World Before the War, 1890-1914* (New York, 1966), 173.

<sup>10</sup>Personal papers of David Grant Colson, National Archives, Washington, D.C. See also *Louisville Courier-Journal*, April 24, 1898, and *Lexington Herald*, April 28, 1898. Colson had offered his services to Col. John B. Castleman of the First Kentucky Volunteer Infantry but was turned down. After an unsuccessful attempt to organize a cavalry troop, he had been preliminarily selected as a major in the Second Kentucky but was dropped after a new War Department rule (or “the Army Bill”) reduced each regiment’s number of majors to two.

<sup>11</sup>*Middlesboro Weekly Herald*, May 13, 1898; *Congressional Record*—House, March 2, 1899, 2751. Colson was one of four House members who accepted commissions. The others were Joseph T. Wheeler of Alabama, Edward E. Robbins of Pennsylvania, and James R. Campbell of Illinois.

<sup>12</sup>*Kentucky Post*, September 28, 1904; *Middlesboro Weekly Herald*, April 1, 1898. See also *Biographical Directory of the American Congress* (Washington, 1950), 868,

as well as any in the nation, cowboys or otherwise. As they did with the Rough Riders, newspapers searched for a moniker for the unit, eventually latching upon “Fighting Mountaineers” or “Mountain Men.”<sup>13</sup>

Colson established his headquarters at Lexington’s Phoenix Hotel by May 29 and began choosing his staff and sending requests for commissions to Bradley, who generally accepted them without comment.<sup>14</sup> A notable exception was the governor’s nephew Ethelbert Dudley Scott, a Lexington attorney whom Colson had chosen as a lieutenant.<sup>15</sup> Bradley, not on speaking terms with his nephew, was not inclined to give him a commission. Colson persisted in defending Scott, a supporter in his unsuccessful 1892 run for Congress, and Bradley reluctantly commissioned him a second lieutenant. Bradley is said to have warned Colson that he would have trouble with his nephew. The friction between the two men was over the governor’s removal of Scott’s father, Dr. W.F. Scott, as superintendent of Lexington’s Eastern Kentucky Asylum of the Insane on August 12, 1897.<sup>16</sup>

For his lieutenant colonel, Colson chose David Rodman Murray, a mustached fifty-one-year-old Civil War veteran, attorney, and former Democratic state senator from Breckinridge County.<sup>17</sup> Murray set off immediately to over-

---

and *Congressional Record*—House, June 1, 1898, 5057. On June 1, Colson was granted an indefinite leave of absence by the unanimous consent of his colleagues. House Judiciary Committee Chairman David B. Henderson subsequently declared the seats vacant. See *Lexington Leader*, February 13, 22, 1899; *Cincinnati Enquirer*, January 17, 1900.

<sup>13</sup>*Middlesboro Weekly Herald*, June 24, 1898. See also *Lexington Herald*, May 29, 1898. Companies were initially recruited from Bell, Harlan, Pike, Floyd, Knott, Knox, Clay, Leslie, Lee, Estill, Clinton, Breathitt, Carter, and Owsley Counties.

<sup>14</sup>*Lexington Herald*, May 29, 1898.

<sup>15</sup>*Lexington Leader*, July 27, 1898. See also Alma Owens Tibbals, *A History of Pulaski County Kentucky* (Bagdad, Ky., n.d.), 149. Scott, born in Somerset, was a son of Dr. W.F. Scott and Margaret Bradley.

<sup>16</sup>*Kentucky Post*, September 28, 1904; *Louisville Courier-Journal*, July 3, 1898; *Lexington Leader*, February 13, 1899; *Lexington Herald*, August 13, 1897; *Cincinnati Enquirer*, January 17, 1900. Colson is said to have wanted to commission Scott to mollify him over the asylum incident, though he once said that Scott’s name was suggested by politicians. The two were described as “very chummy” during the first few months the regiment was in Lexington. After Scott’s death, it was said that Scott and his father blamed Colson for Bradley’s actions in 1897.

<sup>17</sup>Z.F. Smith, *History of Kentucky* (Louisville, 1901), 943. Murray, born on March 13, 1847, in Cloverport, served as a private in Company A of the “Green



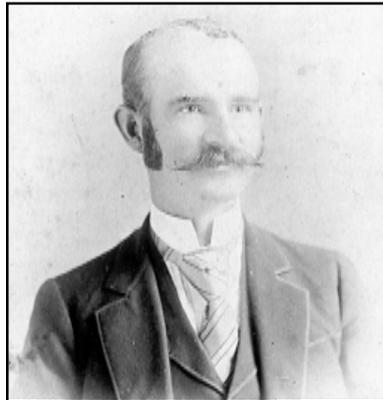
The Headlight (*Cincinnati*, 1898)  
**Gov. William O'Connell Bradley**, friend and political ally of Colson and uncle of Scott, who warned against a commission for his nephew. He later helped prosecute Colson.



Courtesy Jane Julian  
**Ethelbert Dudley Scott**, Lexington attorney and nephew of Gov. William O'Connell Bradley. Described as "handsome" and "brilliant," he was also an alcoholic and a notorious brawler. Once a friend of Colson's, Scott turned the military discipline he received into a vendetta that ultimately cost both men their lives.



*Z. F. Smith*, History of Kentucky  
**Lt. Col. David Rodman Murray**, a Civil War veteran and Breckinridge County lawyer, served as Colson's second in command of the Fourth Kentucky. His release of Scott after the lieutenant's court-martial resulted in the mustering out of the regiment. A Democrat and Goebelite, Murray later became the state's adjutant general.



Courtesy Jane Julian  
**Charles Julian**, Frankfort farmer and innocent victim of the Colson-Scott shoot-out. Julian bled to death after a stray bullet severed an artery in his leg. He had been in the Capital Hotel lobby to purchase a ticket for William Jennings Bryan's speech that evening.

see the recruitment of companies in Estill, Breathitt, and Carter Counties, while Colson sought to prepare a place for the Fourth at the new "mobilization camp" in Lexington's Loudon Park.<sup>18</sup>

The Mountain Men could just as accurately have been called the "Fighting Attorneys." In addition to Colson, Murray, and Scott, six of the regiment's thirteen captains were lawyers, as were several other members of the command staff, numerous lieutenants, and ten privates in Company B.<sup>19</sup> Other notables included Maj. William H. Collier, son of Kentucky Adjutant General Daniel R. Collier<sup>20</sup>; 1<sup>st</sup> Lt. Donald R. Jacob, son of former Louisville Mayor Charles D. Jacob<sup>21</sup>; and 2d Lt. Edwin Porch Morrow, future governor of Kentucky and nephew of Governor Bradley. First Assistant Surgeon Ben L. Bruner of Grayson County was, at twenty-six, the youngest-ever surgeon of the Kentucky State Penitentiary and a future attorney general of the commonwealth.<sup>22</sup>

## I

Colson had been born on April 1, 1861, seventh of the eleven children of John Calvin Colson Sr. and Mary Katherine Smith Colson of Bell County, Kentucky.<sup>23</sup> His father, remem-

---

River Battalion" and (at age seventeen) adjutant in the Seventeenth Kentucky Volunteer Cavalry in the Civil War. He was a descendant of War of 1812 Colonel John Allen, namesake of Allen County, and pioneer Benjamin Logan. His half-brother was Missouri governor Thomas Crittenden. See also *Lexington Herald*, June 18, 1898; *Breckinridge County Herald-News*, January 13, 1988; and John E. Kleber, ed., *The Kentucky Encyclopedia* (Lexington, 1992), 16.

<sup>18</sup>*Lexington Herald*, June 1, 1898. See also *Cincinnati Enquirer*, February 13, 1899.

<sup>19</sup>*The Kentucky State Guard and the Spanish-American War, 1898-99*, Kentucky Department of Military Affairs (Frankfort, 1988). See also *Maysville Evening Bulletin*, July 21, 1898.

<sup>20</sup>*The Kentucky State Guard and the Spanish-American War, 1898-99*, 405.

<sup>21</sup>*Louisville Courier-Journal*, July 7, 1898.

<sup>22</sup>*Lexington Herald*, July 6, 1898. See also E. Polk Johnson, *A History of Kentucky and Kentuckians* (Chicago, 1912), 657. A reporter described Benjamin Love Bruner of Grayson County as "a very competent physician and exceedingly patriotic." "He is an old newspaper man, having been connected with papers at Grayson (County), and he has placed the local pencil pushers under many obligations to him." Bruner would serve as Kentucky attorney general from 1908 to 1912.

<sup>23</sup>Bell County, Kentucky, census (microfilm), 1870, p. 2, Kentucky Historical Society Library.

bered as “King of the Yellow Creek Valley,” was a Methodist minister and untrained doctor and lawyer who operated a mill and store along what had once been the Wilderness Road.<sup>24</sup>

The youthful Colson attended two academies in Tennessee, was a schoolteacher, and studied law at Transylvania University before working for the U.S. Department of the Interior in Washington, D.C., and Knoxville, Tennessee.<sup>25</sup> After he returned home in 1887, he negotiated the sale of portions of his family’s huge land holdings to entrepreneur Alexander Alan Arthur’s American Association Limited, which was purchasing thousands of acres of land in the Yellow Creek Valley for its new city of Middlesboro. The American Association was seeking to build a modern industrial city to mine and process the region’s vast mineral deposits.<sup>26</sup>

Upon completion of the sale, Colson found himself a very wealthy man of twenty-six. Turning his attention to politics, he won election to the Kentucky General Assembly, representing Bell, Harlan, Perry, and Leslie Counties, and, in 1889, was the Republican nominee for state treasurer in a hotly contested, but unsuccessful, race. He was elected mayor of Middlesboro in 1892 and captured his seat in Congress two

---

<sup>24</sup>Charles Blanton Roberts, “The Building of Middlesborough—A Notable Epoch in Eastern Kentucky History,” *Filson Club History Quarterly* 7 (1933): 20-21, and *Middlesborough News*, October 1, 1904. See also Henry Harvey Fuson, *History of Bell County, Kentucky*, 2 vols. (New York, 1947), 1:37-38, 158, 304. The *Middlesborough News* referred to John Calvin Colson Sr. as the “uncrowned but not unacknowledged, King of the Yellow Creek.”

<sup>25</sup>*New York Press*, October 6, 1895, in Colson Scrapbook. See also *Biographical Directory of the American Congress*, 1005. According to the *New York Press*, Colson “attended the common schools and for a short time academies at Tazewell and Mossy Creek, Tenn.; taught school, and while thus engaged read law; took the junior course in law in the Kentucky University in 1880-81. . . .” The present Transylvania University was then known as Kentucky University.

<sup>26</sup>*New York Press*, October 6, 1895, in Colson Scrapbook., and *Middlesborough News*, copy of undated clipping in possession of the author. See also Roberts, “Building of Middlesborough,” 20-21. The construction of Middlesborough, named for the industrial city in England, was financed with more than \$20 million from English investors. Originally conforming to the English, the spelling was simplified in 1893, in accordance with U.S. Postal Service standards.

years later.<sup>27</sup> “He was a courteous, soft-spoken gentleman of cultivated tastes, with a natural, spontaneous charm that made him very attractive,” recalled an Arthur colleague who knew Colson at the time.<sup>28</sup> A Middlesboro newspaper reporter described him as “a thorough gentleman . . . always a pleasure to meet and one who has the rare faculty of making friends everywhere he goes.”<sup>29</sup>

Colson used his wealth to enter the real estate and coal businesses and lived on income from those investments. He built a home in Middlesboro and purchased a farm refuge outside the city limits. In true Victorian fashion, he took in his aged mother and refused to marry in order to take care of her. As a congressman, he earned a reputation as “one of the shrewdest and most adroit political managers in the State” and a leader of the youthful wing of his party. He was at once “fiercely aggressive in political and public matters” and “a quiet, studious man of much taste for country-life.”<sup>30</sup>

## II

The story of the Fourth Kentucky Volunteer Infantry is one filled with colorful characters, historic events, political intrigue, and – for at least four men – tragedy.

The first members of the Fourth arrived at Lexington’s Camp Hobson, as it was then known, on June 27, under Capt. Eugene M. Shelley of Albany and Second Lieutenant Scott.<sup>31</sup> The as-yet-unfenced camp was arranged in rows of tents placed along “military streets,” with captains usually

<sup>27</sup>*Middlesborough News*, undated clipping in possession of the author. Colson is identified as “the largest individual property owner here: in addition he owns property in Pineville, Ky., and Knoxville and Johnson City, Tenn.” *Biographical Directory of the American Congress*, 1005.

<sup>28</sup>Roberts, “Building of Middlesborough,” 20.

<sup>29</sup>*Middlesborough News*, undated clipping in possession of the author. See also Robert M. Rennick, *Kentucky Place Names* (Lexington, 1984), 65. In testaments to his popularity, numerous children were named for Colson, and a Letcher County coal town was named Colson in his honor on May 26, 1897.

<sup>30</sup>*Lexington Leader*, September 28, 1904; *Kentucky Post*, September 28, 1904; *Middlesborough News*, October 1, 1904; *Lexington Herald*, September 28, October 24, 1904.

<sup>31</sup>*Lexington Herald*, June 28, 1898. See also *Lexington Leader*, July 27, 1898. Shelley’s full name was Eugene Marvin Shelley.

occupying the first tent of each company's street. Each man was issued a blanket and straw (for his tent floor), along with two days' rations.<sup>32</sup>

Lieutenant Colonel Murray, "an exceedingly pleasant and accommodating gentleman," also arrived on June 27, taking command in the absence of Colson, who was in Washington. Reporters noted that Murray proudly walked around camp in his new uniform, his Civil War sword – "a very handsome one, but somewhat out of date now" – slapping against his leg. In preparation for the medical examinations of the various companies, First Lieutenant Bruner, first assistant regimental surgeon, that afternoon became the first man mustered into the Fourth Kentucky.<sup>33</sup> The weary new soldiers – none wearing a uniform – settled into their "unditched" tents in the evening, only to be awakened by water from a midnight thunderstorm wetting their blankets.<sup>34</sup>

All of Kentucky's regiments had trouble obtaining enough men to fill the 106 slots allotted to each company. Captains of the Fourth had considerable difficulty in keeping their recruits together long enough to board trains for Lexington and often arrived in camp with companies at less than full strength. As things got more desperate, the captains sent lieutenants to untapped areas to sign up more men, while commanding officers sought entire new companies to fill out the ranks. In May and June the Greenup County court clerk organized a company from Greenup, Mason, and Bracken Counties, which was invited to join the Fourth as Company B.<sup>35</sup>

Murray observed that eastern Kentuckians were willing to enlist, but, because of the area's remote nature, it was a challenge gathering twenty at any one point, a prerequisite for obtaining government-paid train transportation.<sup>36</sup> A man

<sup>32</sup>*Lexington Herald*, June 28, 1898. Each company also received two stoves from the "Citizens' Committee," which had built the camp.

<sup>33</sup>*Ibid.*, June 28, 1898.

<sup>34</sup>*Ibid.* Shallow ditches were dug around tents to draw water away from them.

<sup>35</sup>*Kentucky Adjutant General's Report*, p. 158.

<sup>36</sup>*Louisville Courier-Journal*, July 3, 1898.

named Robert Blackburn brought a group of forty-eight fellow Powell countians to Lexington on his own initiative and, upon his arrival, demanded to be commissioned a first lieutenant on the grounds that he had paid their train fare. Blackburn eventually settled for a second lieutenantancy in Company C.<sup>37</sup>

U.S. Army Maj. John Green Ballance, camp mustering officer, and the surgeons feared that the normal percentage of medical rejections would further deplete the ranks. A prideful Colson disputed the notion that many eastern Kentucky men could be found physically wanting. "I have a fine, healthy, strong body of men," he told a *Lexington Herald* reporter. "They are inured by hardship and exposure and the very nature of their lives, and few of them are afflicted with weak lungs or defective action of the heart. They are also free from many diseases more characteristic of a city and are all around in fine shape to make excellent soldiers."<sup>38</sup>

The commanding officer also disputed the common criticism that volunteers were too inexperienced to be of much use in battle:

I dare say they are the finest body of riflemen ever turned out by this State, and few regiments from anywhere can beat them when it comes to shooting. There is not one in fifty of them but knows how to handle a gun and handle it to effect. They are accustomed to picking squirrels out of the top of tall trees and they will be able to drop their men in a battle every time. True, they are not yet acquainted with the manual of arms, but they will soon learn it, and it will not affect their shooting.<sup>39</sup>

The men proved their marksmanship, of a sort, on the morning of July 1. In response to a chorus of hoots and some hedge apples thrown in his direction, a black man named

<sup>37</sup>*Lexington Herald*, July 1, 1898. See also *Louisville Courier-Journal*, May 22, 29, July 2, 1898. Blackburn had been previously rejected by "Capt. Prater's cavalry company" for being overweight and, apparently, too short.

<sup>38</sup>*Lexington Herald*, July 1-2, 7, 1898. See also *Louisville Courier-Journal*, July 2, 9, 1898. By July 1, the Fourth had fewer men rejected than any previous regiment examined at Camp Corbin. The rate at that time was about seven men per company, or less than 7 percent. The enlistment limit per company was 106 men.

<sup>39</sup>*Lexington Herald*, July 1, 1898.

John Smith threw a rock at one of the soldiers on Loudon Avenue and “applied a vile epithet” to the others. Soldiers from several companies encircled Smith and one threw a rock that, it was reported, knocked him down, “cutting his ear in two.”<sup>40</sup> “I believe if I had not been there to hold them back,” said Capt. Joe Patrick of Breathitt County, “they would have killed him.”<sup>41</sup> University of Kentucky President James Kennedy Patterson, who witnessed the incident from his front porch, disputed the reported accounts. “The soldiers were entirely at fault and attacked the negro without the least provocation,” Patterson said.<sup>42</sup>

Responding to charges that his soldiers often threw rocks at passing blacks, Colson apologized. “I’m sorry it occurred. There is no fence in front of the camp,” he continued, “and it is impossible to keep the men back. The guards have no guns and are powerless. . . . Many of my men never saw a negro until they came down here.”<sup>43</sup> The following day, Colson requested that a fence be constructed along the camp’s perimeter and Lexington policemen be sent to help preserve order. Armed sentries were posted at the newly renamed Camp H.C. Corbin on July 2.<sup>44</sup>

Still not officially mustered into the regiment, the would-be soldiers were operating from a position of strength and used their power to maximum advantage. Company officers, in their attempts to keep their men from going home, were eager to satisfy any request they might make. “It is a common thing to see an officer with ten or a dozen men in a restaurant giving them a meal to their liking,” reported the *Louisville Courier-Journal*. “The men are not satisfied with the rations, and they are loud in their complaint at times. They are clamoring for bacon. The men of the other regiments mobi-

<sup>40</sup>Ibid., July 2, 1898.

<sup>41</sup>Ibid. Smith was taken by ambulance to St. Joseph Hospital, where it was determined that he would recover from his injury.

<sup>42</sup>*Louisville Courier-Journal*, July 2, 1898.

<sup>43</sup>*Lexington Herald*, July 2, 1898.

<sup>44</sup>*Louisville Courier-Journal*, July 2, 1898. See also *Lexington Herald*, July 8, 1898. The camp was somewhat shrewdly named for U.S. Army Adjutant General H.C. Corbin, the man who made requisition and deployment decisions. A wire fence was completed by July 7.

lized here were asking for beef all the time, but the mountaineers are not used to beef, and they don't like it."<sup>45</sup>

Reporters scoured Camp Corbin nearly every day, looking for colorful stories or rumors. Pvt. L.J. McCoy of Company M, it was reported, "at the age of 12 years . . . shouldered a rifle" in the Hatfield-McCoy feud. The *Lexington Herald* said McCoy had "been in many bloody fights" and was "as brave as a lion."<sup>46</sup> A bugler in Capt. Leander F. Frisby's Company A, sixteen years old and ninety-nine pounds, also attracted the attention of the *Herald*, which reported that "he wears knee trousers and is the youngest and lightest man in the regiment." Capts. Thomas W. Rose and Francis G. Tyree, it was learned, had once been preachers, and ten men in Capt. Harlan T. Beatty's Company C were schoolteachers.<sup>47</sup> Captain Shelley was an amateur poet, while Company B's Wurt Riley of Boyd County entertained soldiers with his "melodious voice" each evening "from sun down till taps."<sup>48</sup> Newspapers also liked to quote the ridiculous, as when one soldier said to another, "Well, I've heard lots of talk about these here flyin' squadrons, but, durn me, I'll bet 'nair one of 'em can fly so high but what I can bring him down if I can get a fair shot."<sup>49</sup>

As Kentucky's "Mountain Regiment," the Fourth boasted members from such obscure place names as Savage, Illwill, Maddog, Cut Shin, Viper's, Blaze, and Upper Tiger. There was Red Vine, Lily, White Oak, Fanbush, Tanbush, Forrest Cottage, Pineroyalton, Pansy, Modac, Dwale, Alphoretta, and Avawan. Soldiers also came from Head of Grassy, Bogg Head, Radical, Furnace, Tongs, People's, Princess, and Count's Crossroads, along with Ordinary and Myrth. Logan Taulbee's hometown was Taulbee, while William Noble hailed from

<sup>45</sup>*Louisville Courier-Journal*, July 2, 4, 1898. "The mountain boys wanted their bacon and beans, and they got them, and now they eat in entire and unalloyed happiness."

<sup>46</sup>*Lexington Herald*, October 5, 1898.

<sup>47</sup>*Louisville Courier-Journal*, July 6, 1898. See also *Lexington Herald*, July 6, 1898.

<sup>48</sup>*Lexington Leader*, July 2, 27, 1898. See also *The Kentucky State Guard and the Spanish-American War*, 1466. Riley's first name is given as Wirts in his official record.

<sup>49</sup>*Lexington Herald*, July 7, 1898.

Noble and Captain Beatty from Beattyville.<sup>50</sup> Members also listed their hometowns as Louisville, Lexington, Georgetown, and Frankfort, along with Hawesville (Hancock County), Leitchfield (Grayson County), Nicholasville (Jessamine County), Anchorage (Jefferson County), and Ludlow (Kenton County).<sup>51</sup>

Surprisingly, soldiers also came from New York City and Brooklyn, N.Y.; Philadelphia; Denver; and Newark, N.J. Hometowns also included Clintwood, Domino, and Big Stone Gap, Virginia; Anstedt, West Virginia; Red Key, Indiana; Springfield, Milton, and Redmond, Illinois; and Burrsville, Johnston, and Chattanooga, Tennessee; along with Gates, Missouri; Plano, Texas; Durham, N.C.; Cincinnati, Toledo, Dayton, and Zanesville, Ohio; and – perhaps most surprising of all – Hemakon, Switzerland.<sup>52</sup>

Allowed passes to Lexington, many men saw a city for the first time in their lives. “They look[ed] at the city sights in open-mouthed wonder” and “stared and hallooed at the electric cars as they passed by . . . curious to investigate everything they saw.”<sup>53</sup> These investigations often included the local saloons, resulting in inevitable “difficulties.” On July 4, Sherman Collier, a Clay countian assigned to Company G, knifed Lexingtonian Will O’Neill in Burke’s Saloon on Main Street, after overhearing O’Neill make disparaging remarks about the Fourth Kentucky.<sup>54</sup> Collier was bailed out by his captain, Morgan J. Treadway. His legal defense included former congressman and *Lexington Herald* editor W.C.P. Breckinridge, in addition to the Fourth Kentucky’s Capt. Benjamin Bristow Golden, a former Knox County judge and noted trial attorney, and 1st Lt. Robert Letcher Blakeman, a lawyer from Barbourville.<sup>55</sup>

<sup>50</sup>*The Kentucky State Guard and the Spanish-American War.*

<sup>51</sup>*Ibid.*

<sup>52</sup>*Ibid.*

<sup>53</sup>*Lexington Herald*, July 9, 1898; *Louisville Courier-Journal*, July 2, 1898.

<sup>54</sup>*Lexington Herald*, July 19, 1898. O’Neil recovered from his wounds.

<sup>55</sup>*Ibid.*, July 22, 27, 1898, January 17, 1900. A reporter commented that “The military record of the followers of Blackstone is evidently away [*sic*] above par.” Collier was not allowed to muster and fled to the mountains, leaving Captain Treadway liable for the \$500 bond. The newspaper called Golden “one of the best known lawyers in the southeastern part of the State (and) . . . a leading Republican politician in his section.”

Other departures from good conduct were reported periodically. A boy named Willie Hamm received two “bum” nickels in payment for pies he sold the soldiers.<sup>56</sup> To help minimize such transgressions, Chaplain (Capt.) John C. Stamper, a Georgetown clergyman, began conducting religious services in front of Colson’s tent each afternoon.<sup>57</sup>

In early July, 1<sup>st</sup> Lt. George W. Albrecht’s quartermaster’s storehouse contained 1,300 campaign hats, 1,300 pairs of calfskin shoes, 1,300 shelter tents, 1,300 unlined blouses, 2,600 undergarments, 1,914 pairs of stockings, 1,300 flannel shirts, 700 blankets, and 1,280 Model 1884 Springfield rifles.<sup>58</sup> When they were equipped on July 9, each man received one blouse and flannel shirt, one pair of brown canvas trousers, one pair of shoes, two pairs of socks, one campaign hat, and two “suits of underwear.” A *Lexington Herald* reporter was moved to comment sarcastically – and apparently somewhat jealously – “And when the men don their proud array the fair damsels of Lexington will fall in complete submission at their feet and gazing up with languorous eyes will murmur from kiss-inviting lips; Nay, verily; Solomon in all his glory was not arrayed like one of these.”<sup>59</sup>

At least 150 men, tired of waiting to be mustered in, had deserted by July 5, prompting the perimeter guard to be doubled.<sup>60</sup> There were several last-minute changes of heart to join, or leave, Colson’s regiment. A Private Isaacs, of Captain Treadway’s Company G, who feigned an illness to be excused from his company’s muster-in, was drummed out of camp “to the rogue’s march.” *Lexington Leader* reporter Marion Burch Wilhoit resigned from the newspaper to become first lieutenant in Company M.<sup>61</sup> Lewis Kinney of Bath County arrived in camp one afternoon, explaining that he

<sup>56</sup>*Lexington Herald*, July 15, 1898.

<sup>57</sup>*Louisville Courier-Journal*, July 7, 1898. See also *Lexington Herald*, July 13, 1898. Stamper, thirty-three, was a native of Bell County.

<sup>58</sup>*Louisville Courier-Journal*, July 7, 1898.

<sup>59</sup>*Lexington Herald*, July 9, 14, 1898. Leggings, which completed the soldiers’ issue of clothing, were distributed July 30 and August 1. They were reported to “add a decided trimness and neatness to the appearance of the soldier boys.”

<sup>60</sup>*Louisville Courier-Journal*, July 5, 6, 1898.

<sup>61</sup>*Lexington Leader*, July 27, 1898. See also *Lexington Herald*, July 14, 1898.

had been “thrashing wheat” that morning near Owensboro when “he took a notion he wanted to go to war.”<sup>62</sup> Isaac Larison, age sixteen, walked from his family’s home in Irvine to Lexington to join the Fourth, arriving “very tired, hot, dusty, but still undaunted in his purpose.” Weighing only 115 pounds, Larison was rejected. Sympathetic reporters bought him lunch and a train ticket back to Irvine. “If grit, pluck and endurance mean aught in the make-up of an all-around [soldier],” a *Lexington Herald* reporter wrote, “[Larison] would have made an excellent adjunct in the military worth of the Fourth Regiment.”<sup>63</sup>

Forty-year-old Richard Coleman, “of Burns, Greasy Creek, Pike County,” fascinated a *Louisville Times* reporter with the poignant story of how he joined the regiment. He had concluded it was the religious duty of a member of his family to join the war effort. His eldest son, Paris Roscoe, responded that he was willing to enlist but feared the family’s farm would be too much for his father if he left. Coleman’s daughter Jennie proposed that the two draw straws to determine which would go. “It was a solemn occasion and Mr. Coleman so impressed this fact upon the minds of all the members of his family,” the *Times* reported:

He said it might decide the fate of the family happiness, that the one which went to war might never return, or, should he return, he might be wounded or broken down in health. A prayer was offered up and every member of the family participated. . . . Jennie held out her hand with the long and short straws. Mr. Coleman drew first and pulled the short straw. The tears scarcely dried on the cheeks of any member of the family that night and on the next morning Mr. Coleman went to Pikeville and enlisted in the company of Captain Stewart.<sup>64</sup>

Colson ordered regimental and battle flags from the Cin-

<sup>62</sup>*Lexington Herald*, July 14, 1898. See also *The Kentucky State Guard and the Spanish-American War*, 1854. The minimum weight was 120 pounds. Kinney’s notion was apparently short-lived. His name does not appear on the regimental roster.

<sup>63</sup>*Lexington Herald*, July 22, 1898. The weight limit was 120 pounds. It isn’t clear why 99-pound bugler Joe Smith was accepted but the 115-pound Larison was rejected.

<sup>64</sup>*Louisville Times*, reported in *Lexington Herald*, July 20, 1898. Capt. Alexander Hamilton Stewart of Richmond commanded Company K.

cinnati Regalia Co. on July 13.<sup>65</sup> Money for the flags was raised by “Miss” Mattie Marion of Manchester, a niece of Captain Treadway, who boasted five cousins and five uncles in Company G. Marion was named “daughter of the regiment” for her service, an honor entitling her to her own tent along headquarters row. “The Fourth is the only regiment which will have a lady with them at all times,” the *Lexington Herald* reported, “and the soldiers are quite proud of ‘their fair daughter.’”<sup>66</sup> The fact that Marion’s virtue was considered safe among one thousand soldiers – notwithstanding the proximity of eleven male relatives – is certainly a testament to Victorian morality.

Band concerts began on July 16, with “Prof.” Jacob Benkert and his twenty-one musicians playing, among other songs, “America,” “El Capitan,” “My Old Kentucky Home,” “National Airs,” and “Rural Thoughts.”<sup>67</sup> Large numbers of visitors were reported to be visiting the camp each day, noting its “beauty and cleanliness.”<sup>68</sup> Colson held a luncheon in his tent on July 15, entertaining, among others, Lieutenant Colonel Murray, Lieutenant Scott, and Mrs. Ernest Helm. (Mrs. Helm, the former Ethel Elliot, would become Colson’s wife in 1902.)<sup>69</sup>

Ethelbert Scott’s presence was a familiar one in his commanding officer’s tent; he was described as “a very frequent visitor at the headquarters.” The two were said to be “very chummy” and “the warmest friends.” Reporters and friends called the twenty-nine-year-old lieutenant “handsome,” a promising young lawyer, and “a man of brilliant intellect,” known in his native Somerset as “Ethel.” Others said he was a man prone to “fistic difficulties.” The military surgeon who

<sup>65</sup>*Lexington Leader*, July 14, 1898. The flags cost about \$300 as a set. The salesman, M.T. Morris, boasted that “they will be about the finest that ever left Kentucky.”

<sup>66</sup>*Lexington Herald*, July 23, 1898; *Louisville Courier-Journal*, July 23, 1898. Marion was “educated in California and has taught several terms of school in Clay county.”

<sup>67</sup>*Lexington Herald*, July 16, 20, 1898. The concerts were reported to be “attended by large crowds and are well worth a trip to the camp.”

<sup>68</sup>*Ibid.*, July 16, 1898.

<sup>69</sup>*Ibid.*, July 17, 1898.

examined him wrote that he was "5 feet, 9 ¼ inches tall, with a dark complexion, hazel eyes and dark brown hair," with a "Y shaped scar on front of left ear."<sup>70</sup>

Reporters' assessments of the commanding officer were entirely favorable. "Col. Colson is an ideal leader," declared the *Lexington Leader*. "While he is positive with his soldiers, still he is perfectly frank and open with them. Every day there is wonder expressed at the remarkable change wrought among the men since they arrived here. That it is on account of Col. Colson's knowledge of the men under him and the manner in which he has dealt with them . . . there is no doubt."<sup>71</sup>

One insight into Colson's personality occurred when Capt. Joe Patrick of Breathitt County's Company D went to his colonel's tent with a problem. The captain, it seems, had just learned he had a rival for the attentions of his sweetheart, Miss Marie Tyler Sanders of Brooks, in Bullitt County. Deciding "that sweeping measures were necessary," Colson and Patrick boarded a train for Louisville the following Sunday morning. After "securing a rig," Patrick proceeded to the home of Sanders' parents and, after dinner, received permission to take Marie for a drive. The couple went straight to Jeffersonville, Indiana – just across the Ohio River from Louisville – where Colson was waiting with "Rev. Dr. Sheets," who performed a marriage ceremony. The elopers returned to Lexington, where the new Mrs. Patrick was installed until the Fourth got its orders.<sup>72</sup>

More than 1,400 friends and family members came to Lexington by train on Sunday, July 17, to visit the new soldiers. "That the mountain people are proud of their regiment, and that they take a deep and absorbing interest in it, is shown by the large crowd of visitors who came up to spend the quiet Sabbath with brothers, sons and friends," said the

<sup>70</sup>*Cincinnati Enquirer*, January 17, 1900; *Lexington Leader*, April 22, 1900; and compiled military service record of Lt. Ethelbert D. Scott, Company E, Fourth Kentucky Infantry, National Archives.

<sup>71</sup>*Lexington Leader*, quoted in *Middlesboro Weekly Herald*, July 15, 1898. See also *Maysville Evening Bulletin*, July 11, 1898.

<sup>72</sup>*Lexington Leader*, August 2, 1898. The newspaper page was misdated July 2 but appears with the August 2 issue. The elopement took place on July 31. Colson and the staff officers were to attend a dance given by Maj. and Mrs. Foxhall Daingerfield at "Castleton" that evening.

*Lexington Herald:*

The soldier boys in their new uniforms of blue and service hats of brown, gathered at the depot in large numbers to meet the morning trains which were to bring their loved ones from home. Almost everyone was armed with a large basket of good things for the boys, who had been living on camp fare for several weeks. . . . Towards night, when the tired crowds came slowly back again to the coaches waiting to bear them home, many a good, honest, open-hearted fellow had tears not only in his eyes, but rolling down his browned cheeks, and all unabashed by the onlookers was not ashamed to show the grief he felt, when mother left him again for her home in the mountains.<sup>73</sup>

That evening, John H. Nolen, a twenty-seven-year-old Harlan County merchant slated to become the second lieutenant of Company L, arrived in camp “exceedingly disagreeable and profane.” The drunken Nolen “proceeded to make things hum at a great rate. He took possession and was literally tearing the camp to pieces (before) he was finally gotten under control.”<sup>74</sup> Brought before Murray the next day, Nolen was “penitent,” explaining that he was “not accustomed to intoxication and a few drinks on Sunday . . . crazed him.” The lieutenant colonel deferred a decision on whether Nolen would be allowed to muster to Colson, who was out of town.<sup>75</sup>

The decision was perhaps the pivotal one of Colson’s young military career. Noting that Nolen had spent his time and money recruiting men for Company L, the commanding officer chose not to keep him out of the regiment. “It is an affair to be regretted all around,” Colson said, “but I think under the circumstances (Nolen) should not lose his commission.” By giving the lieutenant the benefit of the doubt, however, Colson created a dangerous precedent among his

<sup>73</sup>*Lexington Herald*, July 18, 1898.

<sup>74</sup>*Ibid.* The newspaper initially misidentified Nolen as “private Johnson of Breathitt County.”

<sup>75</sup>*Lexington Herald*, July 19, 1898. See also *The Kentucky State Guard and the Spanish-American War*, 1301.

officers, one that he would soon regret.<sup>76</sup>

With the July 1 triumph of Roosevelt's Rough Riders in Cuba already two weeks in the past, Colson's attention turned to Puerto Rico as the Fourth's most likely ultimate destination. "When he does move," the *Lexington Herald* reported on the sixteenth, "he wants to go to the front."<sup>77</sup>

Drilling continued throughout July, under the direction of Major Collier. "Though none of them would as yet be mistaken for regulars, they are making remarkable progress," said the *Lexington Herald*. "The soldiers are being drilled hard and all are eager to learn how to become soldiers," added the *Maysville Evening Bulletin*. "The men have fine constitutions and can undergo a wonderful amount of work. Sergeant McKnight drilled one squad for seven and one-half hours and then they did not want to quit."<sup>78</sup> "We are watched very close and can't go out except when we drill," wrote Pvt. Elmer H. Rudy to a Maysville friend. "The reason being that before all were mustered in there were a good many deserters, but I think we are better off by them leaving us."<sup>79</sup>

It was at about this time – with passes to town at a minimum and drinking forbidden – that Lieutenant Scott began to chafe under the increasingly enforced rules. Scott, who took a laissez-faire attitude toward military regulations, neglected his duties as first lieutenant of Company E and was wont to leave camp without permission – "spending his time among his friends in the city" – often returning in various degrees of intoxication.<sup>80</sup>

"The swellest social affair of the season," the *Lexington Herald* reported, "was the ball given at the Capital Hotel . . . in honor of the guests of Miss Christine Bradley." The

<sup>76</sup>*Lexington Herald*, July 22, 1898. Was Colson afraid that the men Nolen recruited would depart with him, leaving Company L unable to muster?

<sup>77</sup>*Ibid.*, July 16, 1898; *Maysville Evening Bulletin*, July 20, 1898.

<sup>78</sup>*Lexington Herald*, July 22, 1898. See also *Maysville Evening Bulletin*, July 21, 1898.

<sup>79</sup>*Maysville Evening Herald*, July 20, 1898.

<sup>80</sup>*Louisville Courier-Journal*, January 17, 1900. See also *Cincinnati Enquirer*, February 13, 1899. Scott was reported to have been in trouble for breaking rules before the Fourth left Lexington. Colson's trouble with Scott was reported to have begun at Camp Corbin "last July."

governor's daughter entertained Colson and his staff, among some 250 others, amid displays of flowers, myriad "stars and stripes" decorations, and the company of their female guests, all of whom wore pink.<sup>81</sup> "Dancing was indulged in until a late hour, when a lunch was served at the mansion."<sup>82</sup> Particularly resplendent was Lieutenant Colonel Murray in his new full-dress uniform, making "as handsome and gallant an appearance as any officer could."<sup>83</sup>

More than eight hundred people from Mason, Greenup, and Bracken Counties, crammed into seven L&N train cars, arrived in camp on July 24 to hear Judge A.A. Wardsworth present Maysville's Company B with its colors in a speech that "fairly bristled with patriotic fervor." The flags, paid for by citizens' donations, were received by Orderly Sgt. Ben T. Cox, the recently resigned Maysville city clerk. One object of the crowd's curiosity was Company B's "Jumbo squad," made up of James Owens, Frank M. Griffin, H.H. Phelps, Harlan Porten, Wayne Fronk, John Urban, Sam Lemings, James Sullivan, and Pvt. Chris " Battleship" Russell, which, according to the *Lexington Leader*, boasted "an aggregate weight of 1,699 pounds."<sup>84</sup> Upon being dismissed, the men listened to a temperance speech delivered by Frances E. Beauchamp, president of the Kentucky Women's Christian Temperance Union.<sup>85</sup>

Staff officers entertained guests during the day and took turns posing on their newly arrived horses. Lieutenant Bruner received a "handsome \$30 sword," apparently from state penitentiary inmates, "to express their gratitude for his many kindnesses and to show their high regard for him personally and professionally." Lieutenant Colonel Murray returned from lunch in Lexington in yet another new uniform, this one regulation khaki, which reportedly enhanced his "handsome

<sup>81</sup>*Lexington Herald*, July 21, 1898.

<sup>82</sup>*Louisville Courier-Journal*, quoted in *Lexington Herald*, July 22, 1898.

<sup>83</sup>*Lexington Herald*, July 20, 1898. Colson reciprocated with a tour of Camp Corbin and a luncheon at the Phoenix Hotel on July 23.

<sup>84</sup>*Lexington Leader*, July 27, 1898. See also *Maysville Evening Bulletin*, July 6, 1898, and *Kentucky Adjutant General's Report*, p. 158.

<sup>85</sup>*Lexington Herald*, July 25, 1898. See also *Maysville Evening Bulletin*, July 12, 25, 26, 1898. A flag was presented to Beattyville's Company C on July 28.

carriage and gallant bearing.”<sup>86</sup>

The Springfield rifles were distributed to the men on July 25 and 26, “caliber 45, and of the pattern of 1884, good enough for all purposes,” reported the *Maysville Evening Bulletin*.<sup>87</sup> The men “were as proud of them as a boy with his first suspenders.”<sup>88</sup>

As the regiment prepared for its swearing-in ceremony, the *Lexington Herald* was moved to write, under the headline “Here’s to the gallant Fourth”:

We think we know something of a regiment and what sort of soldiers raw men will make. . . . And it is not untimely to say that this Fourth regiment is composed of superb material; and if it has the chance to be drilled, disciplined, compacted (into) soldiers and then put into active service it will equal any regiment Kentucky ever sent to any war. There are several companies in that camp composed of as fine men as we ever saw in any new company.<sup>89</sup>

Colson underwent his medical examination on July 26, the summary of which gave at least some credence to eastern Kentucky stereotypes. He was thirty-seven years old and 5 feet 10 inches tall, with blue eyes, dark brown hair, and a fair complexion. The examining surgeon also noted a “Scar of gunshot wound on posterior of left calf & outer side left calf four inches above Hydrocile on right side beginning Hydrocile on left side.”<sup>90</sup>

“Every wilful [sic] and malicious infraction of military regulations, such as running the guard lines, drinking and gaming is severely punished by the officers,” reported the *Lexington Leader* the same day. “Last night there were several infractions of the above kind and today the guard house has several occupants.” “Sunday was the quietest day our company has experienced,” wrote Company D’s C.T. Byrd, “as gambling and drinking were both positively forbidden by

<sup>86</sup>*Lexington Herald*, July 25, 1898. See also *Breckinridge County Herald-News*, January 13, 1988.

<sup>87</sup>*Maysville Evening Bulletin*, July 26, 1898.

<sup>88</sup>*Lexington Leader*, July 27, 1898.

<sup>89</sup>*Lexington Herald*, July 27, 1898.

<sup>90</sup>Fourth Kentucky Muster Record, David G. Colson, National Archives.

orders of the Colonel.” At about 9 p.m. of that quiet day, Edward Williams of Company I mortally wounded Robert A. Watson of Company L as Watson stood near the entrance of Blount’s Saloon on South Limestone Street. The two were natives of Boyle County, though Watson later moved to Beattyville, where he had apparently once been chief of police. The twenty-five-year-old Watson, a widower with two young children, died two days later.<sup>91</sup>

“The gala day of their stay in Lexington” occurred the following afternoon, when Governor Bradley arrived to address the Fourth and deliver commissions to the officers. “Visitors from all over Southeastern Kentucky came in on the morning trains, and thronged the camp all day,” reported the *Lexington Leader*, though they were hampered somewhat in the early afternoon by a light rain. The regiment formed in battalions at 1:45 p.m., with Maj. William H. Collier’s men at attention along both sides of West Loudon Avenue and Lieutenant Colonel Murray’s and Maj. Samuel Morrow’s troops posted on the parade ground in front of headquarters row.<sup>92</sup> At first sight of the governor’s carriage, at 2:10 p.m., the Fourth Kentucky’s band commenced playing, while Collier’s battalion snapped to “present arms.” Proceeding to the parade ground, the governor’s party stopped and the speeches began.<sup>93</sup>

Judge T.Z. Morrow of Somerset – Governor Bradley’s brother-in-law and father of Maj. Samuel Morrow and Lt. Edwin Porch Morrow – introduced his granddaughter, and the major’s daughter, Clara Curd Morrow, as “mascot of the regiment” to “royal cheers by the men,” while Clara’s proud parents looked on.<sup>94</sup> As Morrow ended his speech, which was “applauded to the echo,” Bradley – a legendary orator – rose to deliver his.<sup>95</sup> The governor began:

<sup>91</sup>*Lexington Leader*, July 26, 28, 29, 1898.

<sup>92</sup>*Ibid.*, July 27, 1898. The battalions and their commanders were: First, Lt. Col. Murray, companies A, D, G, and K; Second, Maj. Morrow, companies B, E, H, and L; and Third, Maj. Collier, companies C, F, I, and M.

<sup>93</sup>*Lexington Herald*, July 28, 1898; *Lexington Leader*, July 27, 1898.

<sup>94</sup>Samuel and Edwin Porch Morrow were sons of Thomas Z. Morrow and Virginia Bradley. Clara was the daughter of Major Morrow.

<sup>95</sup>*Lexington Herald*, July 28, 1898. See also *William O’Connell Bradley: Memorial Addresses Delivered in the Senate of the United States* (Washington, D.C., 1917), 10-13.

I am proud of this Mountain regiment. And I conceived the idea of giving the State of Kentucky one regiment from the mountains. We have now a regiment from each section, all of them composed of good and brave young men; but my friends, when you go to war, have in mind the scenes of your native home, have in mind the mountain stream that dashes in torrents down the mountain sides, have in mind the fact that you have lived at least closer to heaven than your Blue Grass neighbors. . . . I don't say that you are better than other Kentuckians, but I do say that you are as good as any other Kentuckians; and if you are as good as any other Kentuckians you are just a little bit better than anybody else on God Almighty's earth.<sup>96</sup>

Apparently stung by criticism in the state's Democratic newspapers that he had allowed politics and nepotism to color his judgment, Kentucky's first Republican governor turned his attention to the officers. "It has been said in some of the newspapers that I have four nephews commissioned in the Kentucky troops. I only wish that I had ten times as many nephews commissioned," Bradley declared. "No nephew of mine has ever been commissioned on account of favoritism, but each and every one of them have been commissioned on account of his desserts; and if the newspapers care to throw this thing in my face I can only say in response that I am proud of the fact that I have four nephews who are brave enough to offer their lives upon the altar of their country."<sup>97</sup>

"It is true that it has been said that I appointed [Colson] because he was a politician," the governor continued, "[yet] no more courageous man ever led a regiment to a battlefield than will be found in David G. Colson."<sup>98</sup> Bradley concluded: "I want to say to you that it gives me very great pleasure to give you these commissions. I know the most of

<sup>96</sup>*Lexington Herald*, July 28, 1898.

<sup>97</sup>*Ibid.*, July 28, 1898. Three of his nephews – Major Samuel Morrow, Second Lt. Edwin Porch Morrow, and Ethelbert D. Scott – served in the Fourth Kentucky. The Morrows were sons of Bradley's sister Virginia, while Scott was a son of his sister Margaret.

<sup>98</sup>*Louisville Times*, July 7, 1894, clipping in Colson Scrapbook. Colson and Bradley had been political allies since at least 1894, when Colson ran for Congress, and probably longer.

you. I know that there is not one of you that will dishonor one of these commissions from the brave Colonel of your regiment on down.”<sup>99</sup>

The Fourth was officially mustered in by Major Ballance on July 29 with 1,328 men, including 1,254 privates, 36 company officers, 10 staff officers, and 28 hospital and band members.<sup>100</sup> The process of organizing and mustering the regiment, completed in only thirty-two days, was hailed as a triumph by at least two of the state’s newspapers. “It is doubtful if such a record has been made by any regiment in the United States as that of the Fourth in the point of rapid mobilization and organization,” wrote a *Lexington Leader* reporter. “The short time in which Col. Colson has gotten this body of 1,300 men together and had them mustered into the army is little short of wonderful,” added the *Maysville Evening Bulletin*.<sup>101</sup> Colson would undoubtedly have given much of the credit to Ballance, the state’s mustering officer, who not only oversaw the Fourth’s organization, but pressed the War Department for the delivery of its equipment. The regiment enjoyed the distinction of being the only Kentucky unit fully equipped prior to its leaving the state.<sup>102</sup>

After the muster-in, Camp Corbin drowsed in the dog days of summer, while the men of the Fourth waited for the ever-anticipated orders, which finally came on the evening of August 10, when the regiment was ordered to Jacksonville, Fla., to become part of Gen. Fitzhugh Lee’s Seventh Corps.<sup>103</sup> “The camp is wild with excitement and delight to-night and

<sup>99</sup>*Lexington Herald*, July 28, 1898.

<sup>100</sup>*Lexington Leader*, quoted in *Maysville Evening Bulletin*, July 30, 1898. See also *Lexington Leader*, July 29, 1898. Men were subsequently sought to fill eighteen still-vacant positions in the regiment.

<sup>101</sup>*Maysville Evening Bulletin*, July 22, 1898.

<sup>102</sup>*Lexington Leader*, July 28, 29, 1898. See also *Maysville Evening Bulletin*, July 22, 1898. “In the formation of the Fourth Regiment matters between Col. Colson and Maj. Ballance have proceeded without the least friction. Their official relations have been extremely pleasant, their social relations likewise, and each holds the other in the highest admiration.” Credit also went to Col. W.S. Paten of the Quartermaster’s Department in Washington, who shipped the uniforms and equipment Ballance requested via express.

<sup>103</sup>*Maysville Evening Bulletin*, August 12, 1898. “These orders are a result of Colonel Colson’s visit to Washington and his pull with the authorities there.”

officers and men are overjoyed,” reported the *Maysville Evening Bulletin*.<sup>104</sup> One of Colson’s friends, Mt. Sterling’s John Wood, almost simultaneously floated the colonel’s name as a good Republican candidate to succeed Governor Bradley.<sup>105</sup>

Two days later, on August 12, representatives of the United States and Spain signed the so-called Peace Protocol, which would ultimately result in the Treaty of Paris that ended hostilities.<sup>106</sup> With the handwriting already on the wall, Colson traveled to Washington to prevent the Fourth’s being mustered out.<sup>107</sup> Lobbying President McKinley, Secretary of War Russell A. Alger, and U.S. Army Adj. Gen. H.C. Corbin, Colson succeeded in having the regiment removed from the muster-out list.<sup>108</sup>

Triumphantly returning to Lexington on August 22, Colson was escorted to camp by Adjutant General Collier, Major Collier, and Chaplain Stamper. There the men stood at attention in salute, their brand-new regimental colors flapping in front of their colonel’s tent. “Energetic and popular . . . looking very well,” Colson addressed his troops: “I told the Adjutant General that I did not want the regiment mustered out and I would leave it to the officers and men as to whether we should stay in the service or not. I shall seek an expression from the regiment at once.” The men of the Fourth cheered their assent.<sup>109</sup> After his speech, Colson’s officers presented him with a “handsome” horse “in recognition of their love and esteem for him and of his untiring labors in

<sup>104</sup>Ibid. The order was sent, via the secretary of war, by U.S. Army Adjutant General H.C. Corbin.

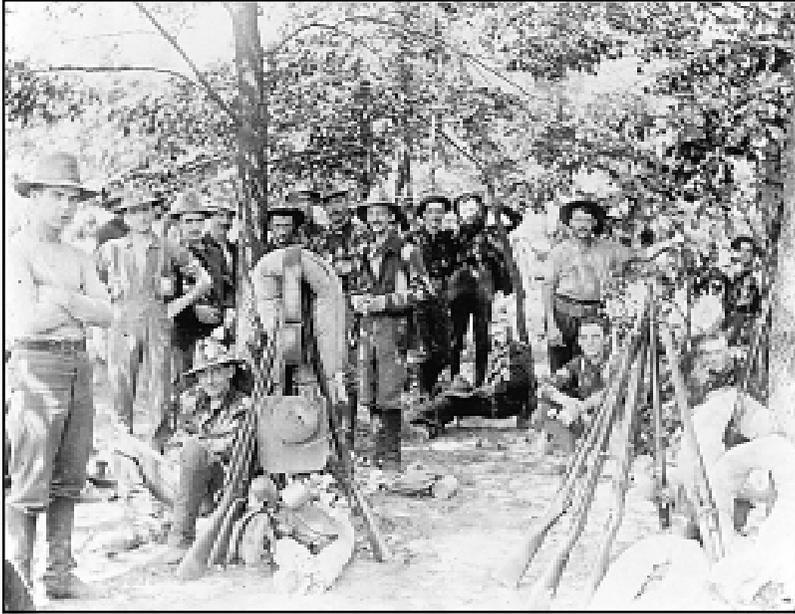
<sup>105</sup>Ibid.

<sup>106</sup>Morris et al., eds., *Encyclopedia of American History*, 325-26.

<sup>107</sup>*Lexington Leader*, August 22, 1898. See also *Maysville Evening Bulletin*, August 12, 1898.

<sup>108</sup>*Lexington Leader*, August 22, 1898. Colson told a *Leader* reporter: “When I first got to Washington the Fourth was down to be mustered out, but I went to work and saw the President, the Secretary of War and Adjutant General Corbin, and you can tell The Leader that the Fourth will surely remain in the service.” Due to a fear of malaria, the regiment was to stay in Lexington until leaving for Cuba “when the sanitary and climatic conditions are safer.” The volunteer army was to be pared to about sixty thousand men, with state regiments requesting to remain in service given priority.

<sup>109</sup>Ibid., August 22, 1898.



Courtesy Russell Brothers and Alabama Room Collection, Public Library of Anniston and Calhoun County, Anniston, Ala.

**Soldiers of the Fourth take a break from drill, Camp Shipp, near Anniston, Alabama, 1898.**

behalf of the regiment.” The \$250 cost of the animal was equally divided among the officers.<sup>110</sup>

“The statement is made without the least fear of contradiction,” noted the *Lexington Leader*, “that fully 90 percent of [the men] want to remain in the service. Among the very few who express a desire to be mustered out it is noticed that they are the poorest soldiers and fellows whom it has become necessary to resort to stringent measures to discipline.”<sup>111</sup> In his regimental account book on September 12, Colson simply entered: “Handcuffs . . . (\$) 14.25.”<sup>112</sup>

By the time the Fourth finally moved, it was September

<sup>110</sup>Ibid. The horse was selected by Captain Rose.

<sup>111</sup>Ibid., August 23, 1898. *The Leader’s* theory for the desire of the men to remain was that they “are doing better from a financial standpoint than they ever did before. The life of a soldier is more adaptable to their lives (than the lives of their counterparts from other sections of the state) and they have no duties at home which will conflict with their life as soldiers.”

<sup>112</sup>David Grant Colson ledger, in unprocessed manuscript collection, Special Collections and Archives, Kentucky Historical Society, Frankfort.

14, and its destination was Camp Shipp, located just outside Anniston, Ala.<sup>113</sup> Anniston, which liked to call itself the “Model City of the New South,” was the county seat of Calhoun County, fifty-six miles east of Birmingham. Situated “on the slope of Blue Mountain” near the L&N railhead in northeastern Alabama, it had the simultaneous good fortune to be near Mobile, a good debarkation site for Cuba, and in a “healthful” location, far from the fever-producing lowlands of the volunteer army’s camp at Chickamauga, Ga. Camp Shipp also had a powerful advocate in Maj. Gen. Joseph Wheeler, Colson’s former colleague and still an Alabama congressman, fresh from commanding the Rough Riders in Cuba.<sup>114</sup>

“A beautiful camp” was soon established and, once again, the men of the Fourth settled into the monotony of drilling and awaiting orders.<sup>115</sup> They set up their tents along tree-dotted and graveled military streets and hung their laundered shirts on clotheslines tied between them. Officers were housed in wooden buildings at the front of each street. The soldiers posed for photographers from Russell Brothers as they ate hardtack or took a break from their drills.<sup>116</sup> One diversion, “the grandest military pageant ever witnessed in the state,” occurred on September 23, when ten thousand Camp Shipp troops paraded before Secretary of War Alger and other dignitaries. Well-to-do Annistonians in open carriages, Army officers, and troops waiting their turn lined the parade ground as the Fourth marched in its individual com-

<sup>113</sup>*Lexington Herald*, September 15, 2000.

<sup>114</sup>Grace Hooten Gates, *The Model City of the New South: Anniston, Alabama, 1872-1900* (Huntsville, 1978). See also *The Encyclopedia Britannica*, 24 vols. (London, 1936), 1:998-99; and *Collier’s Encyclopedia*, 20 vols. (New York, 1956), 2:30.

<sup>115</sup>*Lexington Herald*, October 1, 6, 20, 1898. See also compiled military service record of Lt. Ethelbert D. Scott, Company E, Fourth Kentucky Inf., National Archives. The Fourth was assigned to the First Brigade, Second Division of the Fourth Army Corps, which was headquartered in Huntsville. It had briefly been assigned to the Third Army Corps, prior to a War Department reorganization in early October. Capt. Julian Kersey of Frankfort, formerly with the Second Kentucky, became “drill master” of the Fourth in early October.

<sup>116</sup>Russell Brothers and Alabama Room Photo Collection, Public Library of Anniston and Calhoun County, Anniston, Ala.

panies, each of which was photographed as it passed.<sup>117</sup>

Anniston's saloons were already familiar to the men of the Fourth Kentucky and their counterparts in other regiments. Armed with fresh passes, the soldiers made bee-lines for Noble Street and the restaurants and bars hastily arranged by merchants in tents adjacent to their stores. Particularly popular was Percy Olmstead's Mammoth Restaurant and The Famous, actually a men's clothing store that transformed itself into a saloon with the arrival of the troop trains.<sup>118</sup> A "free-for-all fight and riot" between regulars and volunteers broke out at 2 a.m. on October 15 that had to be quelled by members of the provost guard. One soldier was killed and three were wounded.<sup>119</sup>

### III

In a strongly worded letter to Colson, dated October 17, Second Division Asst. Adj. Gen. Edward Davis complained that Lt. Ethelbert Scott had failed to attend any meetings of the Board of Survey, to which he had been assigned. "The Commanding General directs that you will cause this officer to make explanation of his absence from the duty for which he was detailed, and direct him hereafter to report promptly at the place and hour named by the President of the board for the meeting thereof."<sup>120</sup>

Despite being acquitted of a charge of "conduct unbecoming an officer" in early October, Scott went to Anniston without permission on November 5 and, upon his return, was arrested. Colson released Scott four days later without preferring charges "in the hope that Lt. Scott would not repeat his offense but obey the orders of his commanding officer in future."<sup>121</sup> Instead of following Colson's advice,

<sup>117</sup>Gates, *The Model City of the New South*. Description also based on panoramic photograph, Russell Brothers & Alabama Room Collection, Public Library of Anniston and Calhoun County, Anniston, Ala.

<sup>118</sup>*The Maloney Directory Company's Anniston 1898 City Directory*, 125, 148 and Gates, *The Model City of the New South*.

<sup>119</sup>*Lexington Herald*, October 16, 1898.

<sup>120</sup>Second Division Assistant Adjutant General Edward Davis to "Commanding Officer 4th. Ky. Infantry," October 17, 1898, in compiled military service record of Lt. Ethelbert D. Scott, National Archives.

<sup>121</sup>Col. David G. Colson to Asst. Adj. General, Fourth Army Corps, mistakenly dated October 12, 1898, *ibid.* See also *Cincinnati Enquirer*, February 13, 1899,

Scott grew openly hostile, often preferring to “loung[e] in front of the colonel’s tent telling funny stories and cracking jokes at his superior’s expense.”<sup>122</sup> “Scott was drunk nearly all the time in town and never attended to any of his duties,” said Pvt. Beecher Holliday. “He . . . whipped a Major of the First Alabama and some of his companions because they jibed him about the trouble with Colson.” The lieutenant was admitted to the camp hospital on November 8, suffering from “Cystitis gonorrhoeal.”<sup>123</sup>

On November 19, Colson allowed Scott to go to Anniston “to take a bath and get shaved.” Arriving at The Famous, Scott asked a fellow soldier, “Do you know what makes Col. Colson appear so phlegmatic? . . . I’ll tell you, it is to hide his damned ignorance.” Scott stayed the night in town, contrary to orders. The following afternoon, he stood in the regimental adjutant’s office, knowing he was in trouble. “By God, I am going to register off now so everybody will know what time I came in. Capt. Rose, the God-damned old white-haired son-of-a-bitch, every time he hears me fart, comes up here and tells Col. Colson how it smells.”<sup>124</sup> Piling up offenses, Scott proceeded to invite into camp one William Osborne, “a notorious character and camp-follower,” previously banned. The lieutenant later appeared in Colson’s tent “in a drunk and disorderly manner” and was again arrested.<sup>125</sup>

Colson preferred five charges against Scott the following day and requested a court-martial. Eight officers signed the charges as witnesses, including Captain Rose, Lieutenants Bruner and Boldrick, and Scott’s cousins, Major Morrow and Lieutenant Morrow.<sup>126</sup> In a charge later dropped, Colson

---

which identified the October 3 charge as “forgery”; and *Lexington Leader*, February 13, 1899, in which Colson said Scott was charged with forgery in Lexington. Colson also said Scott’s first court-martial charge was brought by an officer in the regular army, who witnessed him intoxicated and using profane language.

<sup>122</sup>*Cincinnati Enquirer*, February 13, 1899, January 17, 1900.

<sup>123</sup>Compiled military service record of Lt. Ethelbert D. Scott, National Archives.

<sup>124</sup>Proceedings of General Court-Martial of Lt. E.D. Scott, December 27, 1898, *ibid.*

<sup>125</sup>*Ibid.*

<sup>126</sup>*Ibid.* See also *Lexington Leader*, April 21, 1900. During Colson’s April 1900 trial, Sam Morrow called Scott “a quarrelsome, violent man. I heard his younger brother, for one, say that he was quarrelsome.”

summarized the case against Scott, saying that he “almost continuously absents himself from drill, claims that he is *not*, when he *is*, able to drill, and feigns illness in order to be excused from drill and other duties, to the prejudice of good order and military discipline.”<sup>127</sup> Major General Wheeler, commander of the Second Division, ordered a court-martial to “examine into the capacity, qualifications, conduct and efficiency of 1<sup>st</sup> Lieutenant E. D. Scott.”<sup>128</sup>

As the Scott court-martial neared, Colson sought to get the Fourth ready for duty in Cuba, Puerto Rico, or “some one of the new possessions.” On December 7 he secured the resignation of Captain Golden – a Scott ally he considered “useless” – and sought to replace him with his friend Emil S. Helburn of Middlesboro, formerly a major in the Second Kentucky. For Scott’s position, Colson chose John Colgan, also of Middlesboro, a former lieutenant in the Second.<sup>129</sup>

In astounding contrast to the growing drama in the Fourth Kentucky, the Second Missouri Volunteer Infantry dishonorably discharged Pvt. John Phelps, a son of former governor John Smith Phelps. “The reason,” it was reported, “was his general worthlessness as a soldier. He has caused no end of trouble by disorderly conduct ever since his enlistment.”<sup>130</sup>

On Christmas night, Scott – still under arrest – walked into The Famous and spent two hours drinking and talking, as witnessed by Maj. Edward Davis, Camp Shipp’s assistant adjutant general, and Lt. C.B. Willis of the Fourth Kentucky. The charge of “breach of arrest” was subsequently added to the others against him.<sup>131</sup>

The trial convened at Camp Shipp Headquarters on December 27 before a board of one major, four captains, and

<sup>127</sup>Proceedings of General Court-Martial of Lt. E.D. Scott, December 27, 1898.

<sup>128</sup>Ibid.

<sup>129</sup>*Cincinnati Enquirer*, February 13, 1899, January 17, 1900. See also *Lexington Leader*, April 18, 1900, and *Lexington Herald*, January 17, 1900. Colson told a Middlesboro friend he needed “to weed out some of the palpably useless material among his commissioned officers.” After Golden’s resignation, he was said to harbor “very bad feeling” toward Colson. Golden was quoted during Scott’s trial as saying, “I’m for Scott, right or wrong.”

<sup>130</sup>*Lexington Herald*, October 21, 1898. See also *Biographical Directory of the American Congress*, 1676.

<sup>131</sup>Proceedings of General Court-Martial of Lt. E.D. Scott, December 27, 1898.

two lieutenants, including the Fourth's 1<sup>st</sup> Lt. J.A. Simpson. Scott's attorneys were U.S. Army Capt. F.P. Frémont, "Lt. Johnson," and Lt. R.L. Blakeman, of Golden's Company L. President of the board was Col. J.J. Fyfe, commanding officer of the Third Tennessee Volunteer Infantry. The stenographer/reporter was Pvt. W.P. Norris, Colson's secretary in the Fourth.<sup>132</sup>

"More than once during the trial it looked as though a personal difficulty would hardly be avoided in the presence of the board," Fyfe later recalled. "Colonel Colson's arraignment of the subaltern was one of the most severe, caustic and zealous I have ever seen or heard, notwithstanding there were rumors that Scott had said he would kill Colson if his (Scott's) character was arraigned."<sup>133</sup> "The testimony showed that Scott had acted the part of a spoiled boy," Fyfe said, "that he was totally without military experience, training or discipline, and that he resented his colonel's efforts 'to break him in.' Colson charged and sustained it by several witnesses that Scott was in the habit of drinking and loitering around saloons, remaining out of camp, and that he had never drilled with his company but a time or two. . . ."<sup>134</sup>

"How do you know that I visited saloons?" Fyfe recalled Scott's asking Colson, "glaring at his antagonist with his right hand hid under a big army cloak."

"'Because I saw you there,' replied the colonel, toying with his side arms."

"'What were you doing there, sir?'"

"'I went there to get a drink, sir.'"<sup>135</sup>

The board convicted Scott and recommended that he be discharged for "incompetancy [*sic*]."<sup>136</sup> The findings were

<sup>132</sup>*Ibid.* Frémont was identified as a son of Gen. John C. Frémont, explorer and the Republican Party's first presidential candidate, who ran in 1856. See also *Louisville Courier-Journal*, *Cincinnati Enquirer*, and *Anniston (Ala.) Evening Star*, January 17, 1900. Wheeler's order identifies Fyfe as "J.P. Fyfe."

<sup>133</sup>*Cincinnati Enquirer*, January 17, 2000.

<sup>134</sup>*Anniston (Ala.) Evening Star*, January 17, 1900.

<sup>135</sup>*Louisville Courier-Journal*, January 17, 1900.

<sup>136</sup>*Anniston (Ala.) Evening Star*, January 17, 1900.

approved by the commanding general, and Scott cooled his heels in the guardhouse, his pay withheld.<sup>137</sup>

On January 7, 1899, Lieutenant Colonel Murray received (in Colson's absence) a Western Union telegram from the War Department: "Lt Scott 4<sup>th</sup> Ky discharged this date on report board." He received an official copy later that day from Gen. Royal T. Frank, commander of Camp Shipp.<sup>138</sup> The following day, Scott applied to be released from the guardhouse on the grounds that he had been discharged. With the court-martial still officially pending, Murray, an attorney in civilian life, was unsure how to proceed according to military law. Writing Major Davis "unofficially," Murray asked him to "advise me in the premises. For which I will be grateful." Murray was told, on authority of the division commander, that the telegram "is sufficient . . . to release him from arrest, and dropping him from the rolls of the regiment."<sup>139</sup>

Scott immediately went to Washington and – through the influence of "a Kentucky Congressman" – lobbied Secretary Alger to place the Fourth back on the muster-out list by claiming that it "consisted of a large body of men running at large over the hills of Alabama."<sup>140</sup> On January 10, the War Department rescinded Scott's discharge because the "Telegram of January 7<sup>th</sup> was premature as order of discharge had not yet issued. Under the circumstances the Secretary of War directs that Lieutenant Scott's absence from his regiment be authorized. He will return to his command immediately."<sup>141</sup>

The order of the military board countermanded and his

<sup>137</sup>Ibid.; Proceedings of General Court-Martial of Lt. E.D. Scott, December 27, 1898.

<sup>138</sup>*Anniston (Ala.) Evening Star*, January 17, 1900.

<sup>139</sup>Ibid.

<sup>140</sup>*Cincinnati Enquirer*, February 11, 13, 1899, January 17, 1900; *Lexington Leader*, February 13, 1899; and *Louisville Courier-Journal*, January 17, 1900. Scott's actions may have been part of a legal strategy consisting of the fact that he could not face other charges or be court-martialed if the regiment were mustered out. Colson later attributed the countermanding of the discharge order to Scott's "misrepresentation to members of Congress from Kentucky."

<sup>141</sup>Assistant Adjutant General Theodore Schwan to the Commanding General, 4th Army Corps, January 11, 1899, in compiled military service record of Lt. Ethelbert D. Scott, National Archives.

authority undermined, Colson left for Washington on January 13, stopping in Middlesboro along the way. He went to his house and began going through his possessions. "He destroyed all private papers and everything which a man in public life would not wish to leave behind, stating as his reason for doing so that he was a trifle apprehensive of trouble and wanted to be prepared in the event that he should not come back alive."<sup>142</sup>

Later that day, Scott returned in triumph to Camp Shipp, announcing to his followers in the regiment that he had succeeded in getting them mustered out and his trouble "fixed." Securing permission from Murray to go to Anniston to "draw his pay," Scott left camp. He ordered one thousand "large-sized buttons" of his likeness, which he awarded to his growing list of "friends." "They applauded him on every occasion throughout the camp," recalled Colson's secretary, Pvt. W.P. Norris.<sup>143</sup>

The Fourth Kentucky had split apart. One faction, loyal to Colson, wanted to remain in the service and go to Cuba for garrison duty. The other, cultivated by Scott, Blakeman, and the resigned Golden, wanted to be mustered out.<sup>144</sup>

"Lt. E.D. Scott of the Co. E, 4 Ky. Vol. Inf. procured permission . . . to 'draw his pay,'" wrote Lieutenant Colonel Murray to General Frank on January 15. "Since then he has been absent from Camp and has not yet returned. Under the peculiar circumstances surrounding his case I have thought it right to address you directly and also to ask your advice as to my duty. . . . I beg your pardon for troubling you but am solicitous to proceed exactly right."<sup>145</sup> Captain Rose received a letter from Maj. Frank P. Kenyon, the Fourth's chief sur-

<sup>142</sup>Compiled military service record of Col. David G. Colson, National Archives.

<sup>143</sup>*Cincinnati Enquirer*, January 17, February 13, 1900.

<sup>144</sup>*Ibid.*, February 13, 1899. Golden had been agitating for the mustering out since at least October 20, saying that "a large number of soldiers . . . had signed a petition asking to be mustered out." *Lexington Herald*, October 20, 1898. See also *Cincinnati Enquirer*, January 17, 1900, in which Golden states that he had "sympathized with Scott in their last fight."

<sup>145</sup>Compiled military service record of Lt. Ethelbert D. Scott, National Archives.

geon, recommending that Scott “be allowed to sleep at the Hotel in Anniston tonight.” Scott himself sent a message to Murray: “I am down town in bed with something like LaGrippe. My Doctor says it would be unwise and unsafe for me to go to camp and advises me to remain where I am.”<sup>146</sup>

Ten days later, on January 26, Scott was still in Anniston.<sup>147</sup> Tiring of his excuses, acting Second Corps commander Gen. Gilbert S. Carpenter ordered Scott to be taken to the “field hospital.” The duty fell to the provost marshal, Capt. H. Edward Goetz of the Third Tennessee. “When I entered his room he tried to draw a pistol,” Goetz said. “After an altercation he accompanied me, talking freely of Colonel Colson. He said: ‘Colson has the cards stacked now, but if we ever get back to Kentucky I intend to kill him.’”<sup>148</sup> Carpenter ordered Scott to remain in the hospital, where he was kept “under surveillance.”<sup>149</sup>

When the muster-out order arrived from the War Department, Scott’s faction began wearing the buttons he had given them on their uniforms, which “perturbed Colson.”<sup>150</sup> Colson sent notice to Scott on February 4 that the lieutenant’s discharge would not include the phrase “service honest and faithful,” which, as Scott later said, “would beat him out of several hundred dollars,” in addition to impugning his “honor.”<sup>151</sup>

On February 10, Scott filed a complaint with the War Department charging that Colson “embezzled government funds, incited the men of the regiment to riot, lawlessness and disorder against the people of Anniston when they were mustered out; with drunkenness on duty, and with failing to

<sup>146</sup>*Ibid.* A note from “R.L. Borrick M.D.” was also sent to Murray.

<sup>147</sup>*Lexington Leader*, February 13, 1899, and compiled military service record of Lt. Ethelbert D. Scott, National Archives.

<sup>148</sup>*Cincinnati Enquirer*, January 18, 1900; *Knoxville Sentinel*, February 14, 1899. Carpenter was serving as commanding officer of the second corps in Frank’s absence. Goetz also said: “A private from my company who occupied a cot next to him, told me that Scott often declared that he intended to kill the Colonel if they ever met in Kentucky.” Goetz subsequently preferred charges against Scott concerning the incident.

<sup>149</sup>*Lexington Leader*, February 13, 1899, and compiled military service record of Lt. Ethelbert D. Scott, National Archives.

<sup>150</sup>*Cincinnati Enquirer*, February 13, 1899.

<sup>151</sup>*Ibid.*, January 17, 1899, and compiled military service record of Lt. Ethelbert D. Scott, National Archives.

stop an orgie [*sic*] of commanding officers of the regiment in camp with fire arms freely used and when he was present.”<sup>152</sup> “Scott came to me,” recalled Private Norris, “and in a private way told me that he was instrumental in having the men mustered out and stood by the boys, and that they must now stand by him.”<sup>153</sup>

Perhaps trying to stem the tide of defections in sentiment to Scott, Colson published a message in the February 10 issue of a local newspaper – appropriately named the *Hot Blast* – stating that the lieutenant was “accustomed to telling stories in barrooms for drinks, and that his associates are almost entirely among the vicious and criminal classes.” He placed Scott friend and legal counsel Lieutenant Blakeman in the same category. “There is much more I could say, all of which would be true and most of which is of record, to show the utter worthlessness of Scott as an officer and as a man and a gentleman. Being still in the army I have even been moderate in my statements as to him.” Not to be outdone, Scott countered in the newspaper the following day “charging Colson with being a congressional nonentity and with maliciously falsifying.” The items were “read with much amusement by the men of the regiment.”<sup>154</sup>

One officer who was not amused was Lt. Charles B. Willis of Company B, formerly a friend of Scott’s, who now issued him a challenge of sorts. “I wish to say that the man who wrote the article in this morning’s *Hot Blast* about Colonel Colson is a liar,” said Willis, adding that his “whereabouts are well known and that he is personally responsible to anybody at any time for his statement.”<sup>155</sup>

<sup>152</sup>*Knoxville (Tenn.) Journal and Tribune*, February 11, 1899.

<sup>153</sup>*Cincinnati Enquirer*, January 17, 1900. W.P. Norris later advertised a sixty-page “short history of the Fourth Kentucky Regiment,” stating it would be “a very useful book for future reference.” No copy of the history is known to exist. Norris, whose address was “Station ‘L,’ Cincinnati, Ohio,” charged twenty-five cents for his work, which he accepted in the form of “coin or stamps.”

<sup>154</sup>*Knoxville (Tenn.) Journal and Tribune*, February 11, 1899; *Lexington Leader*, February 13, 1899; *Cincinnati Enquirer*, January 17, February 13, 1900; and *Louisville Courier-Journal*, January 17, 1900. Some officers thought Blakeman was the author of Scott’s answer in the *Hot Blast*.

<sup>155</sup>*Lexington Leader*, February 13, 1899. See also *Anniston (Ala.) Evening Star*, April 21, 1900. Captain Rose identified Willis as Scott’s “own friend.” Willis said he heard Scott threaten the colonel’s life.

“In so far as anything Scott may say toward injuring me in Kentucky I have no anxiety,” Colson told a reporter. “And I am very well satisfied that Scott has made himself so unfavorably known in Anniston that anything he may say or charge against me will not affect me here. I do not believe that any sensible citizen of Anniston would for a moment believe that I would excite the men of my regiment to commit violence in the city,” the commanding officer continued. “On the contrary, I have advised my men to remain in camp and to remain sober.”<sup>156</sup>

“More than a little interest is taken in the future of Col. Colson,” read an item that appeared in the *Knoxville Sentinel* under a Washington, D.C., dateline. “There seems to be an impression that he is in the race for the nomination of his party for governor. Col. Colson is said to be very much disappointed because his regiment was not ordered to Cuba or Porto Rico [*sic*] for service. . . . It is understood here that he is going to be a factor in Kentucky politics and that his influence will be felt in the coming republican state convention.”<sup>157</sup>

#### IV

“May Fight It Out Today. Bad Blood Between Officers of Fourth Kentucky,” read a February 11 headline in the *Atlanta Constitution*. “Regiment Will Be Mustered Out Today and the Angry Gentlemen May Meet and Fight.” “Both men . . . known to be absolutely fearless, and shooting was expected on sight,” added the *Cincinnati Enquirer*.<sup>158</sup> The commanding officer discounted the rumors, but added that he “was perfectly able to take care of himself and that he was personally responsible for his statement.”<sup>159</sup> Later in the day, as he received his “honorable discharge with excellent character,” Colson observed, “I never had a paper I treasured more dearly.”

<sup>156</sup>*Cincinnati Enquirer*, February 11, 1899.

<sup>157</sup>*Knoxville Sentinel*, February 8, 1899.

<sup>158</sup>*Atlanta Constitution*, February 11, 1899; *Cincinnati Enquirer*, February 13, 1899.

<sup>159</sup>*Cincinnati Enquirer*, February 11, 1899.

The mustering-out of the Fourth continued throughout the morning and afternoon. As they waited to board the special Southern Railway trains that would take them back to Kentucky, the men "filled themselves up on bad liquor." After some of their subordinates made threats against them when "stripped of their military garb," most officers chose to remain in Anniston.<sup>160</sup> Having thus freed themselves of any type of authority, the drunken troops filled the train cars with yells and bullets as they chugged northward. "Ten minutes for a rough house," one man shouted, drawing his pistol. "With a yell the troops began firing through windows, through the top of the cars, and at the lamp globes, to the great danger of themselves and persons in the vicinity," reported the *Lexington Leader*. "I'll tell you they were rough," commented Southern Railway employee William Algood. "They kept me and the trainmen dodging bullets all the time and one of the brakemen sought shelter on the engine. They would sit in the car, see a piece of glass trimming on the top of the coach, and then shoot it out," Algood continued. "All along the road the men fired at freight trains and their crews. Several times the men on the freights would have to climb down the ladder on the opposite side of the cars to keep from being shot. Nobody seemed to try to make the rascals behave themselves."<sup>161</sup>

At about midnight, Colson entered the Mammoth Restaurant with Major Collier and Lieutenant Wilhoit. Walking toward the back of the room filled with officers and soldiers, he stopped at a large table and began speaking with Captain O'Neil, who was seated near Lieutenants Blakeman and Scott. Blakeman, wearing a Scott button on his uniform, yelled a drunken insult at his now-former colonel, and Colson walked toward him. Calling Blakeman a "damned scoundrel," Colson pulled the ex-lieutenant's ear "with such strength as to lift him from his chair."<sup>162</sup> Rising from his own chair

<sup>160</sup>*Knoxville Sentinel*, February 11, 1899; *Lexington Leader*, February 15, 1899; *Cincinnati Enquirer*, February 13, 14, 1899. The *Enquirer* attributed the men's threats to "dislike of military discipline" rather than "any mistreatment on the part of the officers."

<sup>161</sup>*Lexington Leader*, February 15, 1899.

<sup>162</sup>*Cincinnati Enquirer*, January 17, 1900; *Knoxville Sentinel*, February 16, 1899. Wilhoit's quote in the *Enquirer* appeared as "d\_\_\_ s\_\_\_."

about five feet away, Scott drew his .38 caliber Colt pistol and fired, as Colson whirled toward him, reaching for his own gun. As the colonel fell with a wound to his hip, Scott fired again, piercing the cuff of Colson's uniform. Colson, struggling "like a wild man" to get up – his gun in his hand – was pounced on by provost guards "lieutenants McKay and Phelps" of the Fourth Wisconsin, who beat him into unconsciousness with the butts of their pistols. Only Wilhoit's intervention prevented Scott from shooting Colson again.<sup>163</sup>

"I was in the neighborhood at the time, but deemed it advisable to stay out until the smoke cleared away," Private Norris remembered. When he did enter, Norris noted a menacing attitude toward McKay and Phelps for their one-sided enforcement of order. "Colson friends" went so far as to charge that the affair had been an ambush, with McKay and Phelps on hand to finish the colonel off if Scott failed to do so.<sup>164</sup>

Rather than enter a roomful of armed Kentuckians, the Anniston police declined to respond to the shooting for nearly an hour. When they did arrive, policemen did not arrest Scott or anyone else.<sup>165</sup>

"Colonel Colson was furious and made frantic efforts to get up and get his pistols," reported the *Atlanta Constitution*. "It was some time before he could be quieted." The wounded man was taken to an upstairs room and physicians summoned. They extracted the bullet, which had "entered his hip and ranged around to the rear."<sup>166</sup>

<sup>163</sup>*Cincinnati Enquirer*, February 13, 1899, January 17, 1900. See also *Knoxville Sentinel*, February 13, 1899. Colson's wound was also variously reported to have been in his abdomen, side, and thigh. Differing reports also claimed that ten or twelve shots were fired; the provost officers emptied Colson's gun into the ceiling as he held onto it; and that Colson pulled a second gun, which he fired "but without effect." Scott was also said to have drawn his pistol before he rose from the table and "arose slowly to his feet with a gun in each hand."

<sup>164</sup>*Cincinnati Enquirer*, February 13, 1899. See also *Knoxville Journal and Tribune*, February 13, 1899; *Knoxville Sentinel*, February 16, 1899; *Atlanta Constitution*, February 14, 1899; *New York Herald*, February 13, 1899. Somewhat embellished versions of the story flooded newspapers, including an unlikely one in which Colson and Scott gave short speeches when McKay and Phelps demanded their guns. Colson, it was said, refused to give up his gun, which provided an excuse for the actions of the provost officers.

<sup>165</sup>*Cincinnati Enquirer*, February 13, 1899, January 17, 1900.

<sup>166</sup>*Atlanta Constitution*, February 13, 1899.

The following morning, Wilhoit swore out a warrant for Scott on a charge of "assault with attempt to murder" and warrants for McKay and Phelps on related charges. Scott was briefly arrested and made bail.<sup>167</sup> "Col. Colson rested easily last night, and is much improved this morning," Wilhoit wrote in a special bulletin to the *Lexington Leader*, his former employer. "Lieuts. McKay and Phelps . . . will be prosecuted to the fullest extent. It is the general opinion that McKay and Phelps will find it impossible to show a court martial that they were justified in clubbing a man who had been shot." Colson was moved later in the day to a room at the Calhoun Hotel.<sup>168</sup>

Declining to take any action against Scott because the regiment had been mustered out, General Frank nonetheless ordered an official inquiry "into the part taken by the provost guard" and put the remainder of the guard on duty to prevent a recurrence of violence. "As each officer has a strong personal following, who have taken warm interest in the row, it is feared there might be further trouble," noted the *Cincinnati Enquirer*.<sup>169</sup> News of the incident was reported to have been "received with great regret" at the War Department in Washington.<sup>170</sup>

Former men of the Fourth began arriving at all points along the tracks the next morning, not knowing the events of the previous night. When Captain Frisbee's Bell County company emerged from their train in Middlesboro, "the news was a profound surprise to them." Former members of other companies also stopped in the city. Those wearing Scott buttons were informed that it was considered a "breach of discipline" and ordered to "remove them by threats of a thrashing." Former soldier William Belcher of Lee County, Va., arrived in Middlesboro wearing a button and "speaking in harsh terms of Col. Colson and Capt. Frisby [sic]." Beaten

<sup>167</sup>*Cincinnati Enquirer*, February 13, 1899; *Atlanta Constitution*, February 14, 1899.

<sup>168</sup>*Lexington Leader*, February 13, 1899.

<sup>169</sup>*Cincinnati Enquirer*, February 13, 1899. See also *Knoxville Journal and Tribune*, February 14, 1899. The War Department decided that "the officers in question not having been finally discharged, are still under the jurisdiction of the war department, but . . . will allow them to be turned over to the authorities to be dealt with according to civil law."

<sup>170</sup>*Cincinnati Enquirer*, February 14, 1899.

by city police, Belcher swore out warrants against his assailants the following day, charging them with assault.<sup>171</sup>

The day after “nearly 100 men” arrived in Lexington wearing the buttons, the *Leader* reported that “each section of the train that passed through here showed evidence of the ebullition of Col. Colson’s men. . . . The cars looked like they had been in a collision, or had tumbled down an embankment,” a reporter wrote. “All the cars . . . will have to be sent to the shops for repairs. It is (understood) that the railroad company will ask the government to pay for the wrecked cars.”<sup>172</sup>

On February 14, Colson’s brother-in-law, Assistant U.S. District Attorney John G. Fitzpatrick, received a telegram from Major Kenyon that the colonel would recover. He and Colson’s brother, William Gillis Colson, left later in the day for Anniston. The colonel’s wounds were reported to be “very painful” and his face badly bruised.<sup>173</sup>

“Scott has the reputation of being a wild fellow,” a *Knoxville Sentinel* reporter wrote, after an interview with two of the regiment’s former officers. “And although he is a nephew of Gov. Bradley the latter does not uphold him in his course.”<sup>174</sup> Louisville doctor H.A. Gwinn urged Scott to end his bitterness toward Colson, but the former lieutenant was unmoved. “He has cast a reflection on me that only his blood can wipe out,” Scott vowed.<sup>175</sup>

Authorities blamed a sudden cold front, which brought three inches of snow and minus-15-below-zero temperatures to Anniston during the night, for “preventing any demonstrations that might otherwise have occurred.”<sup>176</sup>

*Leader* reporters anxious for quotes stopped the Fourth’s former officers as their trains arrived in Lexington. “The officers almost without exception side with Colson,” said Lieutenant Blackburn. “Many of the privates wear buttons

<sup>171</sup>Ibid., February 13, 1899; *Knoxville Sentinel*, February 16, 1899.

<sup>172</sup>*Lexington Leader*, February 15, 1899; *Cincinnati Enquirer*, February 13, 1899.

<sup>173</sup>*Lexington Leader*, February 13, 14, 1899.

<sup>174</sup>*Knoxville Sentinel*, February 13, 1899.

<sup>175</sup>*Lexington Leader*, April 21, 1900.

<sup>176</sup>*Knoxville Sentinel*, February 14, 1899; *Atlanta Constitution*, February 13, 1899.

with Scott's picture printed on them because they think that his conduct and the trouble between him and the Colonel has had much to do with getting the regiment mustered out." "The other lieutenant and I did all the work," insisted Captain Rose, Scott's former superior in Company E. "I consider Colonel Colson a fine gentleman, who did all he could for his regiment."<sup>177</sup> When asked for his quote, Lieutenant Colonel Murray only commented that "he had determined to say nothing in regard to the Colson-Scott imbroglio."<sup>178</sup>

The colonel "lingered . . . several weeks" in Anniston to convalesce – surrounded by several of his former officers and family members – before returning home. He refused to appear as a witness at Scott's February 22 trial, and the accused was released.

## V

Back in Middlesboro, as he prepared to travel to Washington to finish several congressional duties, Colson "suffered a partial stroke of paralysis," which – though gradually diminishing as time passed – left him "stiff and slow."<sup>179</sup> He was elected a special Laurel County Circuit Court judge to hear a murder case in May and June. One of his colleagues was Ben Golden, who also served as a special judge, in addition to his duties as commonwealth's attorney.<sup>180</sup>

Interviewed about his views on the upcoming contest for the Republican nomination for governor, Colson said he had avoided going to central Kentucky to discuss the matter with party members. "I have remained away because I dread a meeting with Scott," Colson explained. "I do not wish further trouble with him, and I feel that if we ever do meet again, especially if Scott is under the influence of liquor, that

<sup>177</sup>*Lexington Leader*, February 13, 1899. Rose also said: "As for myself, if I owned Anniston and hell, I would rent Anniston and live in hell."

<sup>178</sup>*Ibid.*

<sup>179</sup>*Louisville Courier-Journal*, January 17, 1900; *Middlesborough News*, October 1, 1904; *Lexington Leader*, April 11, 1900. Colson's paralysis was also called "hemiplegia."

<sup>180</sup>Commonwealth Order Book 7, Laurel County, 488, 634-35, Kentucky Department for Libraries and Archives, Frankfort.

the result will be the death of one or both of us.”<sup>181</sup>

Colson did attend the Republican state convention in Lexington in July 1899, and friends of both his and Scott's were said to have kept them apart. “Well, Scott's here, and 40 men have told me he's going to kill me,” Colson reported to his friend S.R. Crumbaugh and asked for his advice. “I told him neither to seek nor to avoid Scott,” Crumbaugh recalled. “I saw him on three different occasions avoid a conflict with Scott, while there.” “[These actions] made the impression on (Scott) that Colson feared him, but in this Scott was mistaken.” His gubernatorial ambitions now shattered, Colson turned his attentions toward a run for appeals court judge “if his health permitted.”<sup>182</sup>

Kentucky Attorney General William S. Taylor of Butler County – like Colson a member of the Republican State Central Committee – was nominated for governor, and lukewarm Republicans prepared to support their somewhat lack-luster candidate.<sup>183</sup>

Autumn 1899 was a momentous time in Kentucky politics, with Taylor opposing state senator William Goebel of Covington, whose abrasive manner and totalitarian tactics had split his Democratic Party. Possessing enormous power in the state legislature, the “Kenton King” had been able the previous year to secure the passage of the “Goebel Election Law” over Bradley's veto. The law allowed a three-person “triumvirate” appointed by the Goebel-controlled legislature to decide the outcome of all state elections. Many Democrats, including Henry Watterson of the *Louisville Courier-Journal*,

<sup>181</sup>*Cincinnati Enquirer*, January 17, 1900. Colson's sentiments about the inevitability of a fight to the death if the two met was echoed numerous times in newspaper articles from February 1899 to January 1900.

<sup>182</sup>*Ibid.*, January 16, 17, 1900; *Louisville Courier-Journal*, January 17, 1900; and *Kentucky Post*, September 28, 1904. “Friends established a truce and kept them apart.” Reports attributed to George C. Moore and Thomas Scott, Ethelbert Scott's brother, claimed that trouble was narrowly avoided at the convention. Thomas Scott said Colson was seen “stealing upon Scott” but a man named “Gum Hargrave” stepped between them to prevent trouble. Another report said the two never met at the convention. Crumbaugh said he saw Colson avoid Scott on several occasions during the convention.

<sup>183</sup>Hambleton Tapp and James C. Klotter, *Kentucky: Decades of Discord, 1865-1900* (Frankfort, 1977), 425-26.

denounced Goebel's scheme as undemocratic, an "oligarchy," and a "monstrous usurpation of power."<sup>184</sup>

Republicans, for their part, ran against Goebel and his law, and Taylor won the election by 2,300 votes. He received the certificate of election and was inaugurated the state's thirty-third governor on December 12.<sup>185</sup>

True to his reputation, "Boss Bill" Goebel contested the election and a legislative "Contest Board" (ten Democrats and one Republican) was established to decide the question.<sup>186</sup> Knowing he would soon be removed from office, a nervous Taylor advised eastern Kentucky Republicans to come to Frankfort – just as they had in December – hoping they could "exercise a moral influence on the contest."<sup>187</sup>

The board began hearings on January 15 in Frankfort's Capital Hotel ballroom. That morning, Ethelbert Scott was being shaved at Theodore Kratz's barber shop in Lexington, regaling customers with humorous stories. Rising from his chair, Scott turned to his audience. "Well boys, you have all been kind and clever to me," he said. "I am going to Frankfort to-day and if you never see me again, why when the corruptible shall have put on incorruptibility and the mortal shall have put on immortality, remember me with some tenderness and – well good-by boys." He then walked out of the shop and headed in the direction of the train station.<sup>188</sup>

Colson, a witness before the board, was in Middlesboro that evening preparing to leave for the capital city in response to "letters from a number of prominent Republicans urging him to come and assist them." He was also to see Paintsville businessman John C.C. Mayo on coal business. Before boarding his train, he stopped off at the post office, where he chanced upon Deputy Sheriff Frank Cecil. Colson left for Frankfort wearing Cecil's .44 caliber Colt long-barrel

<sup>184</sup>Ibid., 371-72, 432.

<sup>185</sup>Ibid., 444.

<sup>186</sup>Ibid., 443-44.

<sup>187</sup>Ibid., 443.

<sup>188</sup>*Cincinnati Enquirer*, January 17, 1900. See also Hotel Fleming register, Special Collections and Archives, Kentucky Historical Society. Once in Frankfort, Scott checked into the Hotel Fleming, paying fifty cents for his room.

target pistol in a shoulder holster.<sup>189</sup>

## VI

Franklin County farmer Charles H. Julian awoke on the morning of Tuesday, January 16, excited about the speech William Jennings Bryan was to make at the Capital Hotel that evening. Climbing into his buggy, Julian left to pick up his neighbor and friend Raleigh Armstrong, and the two headed down Louisville Road toward Frankfort to buy tickets to the speech.<sup>190</sup> The capitol was “thronged with people” awaiting the election of J.C.S. Blackburn to the U.S. Senate and Bryan’s arrival later in the day.<sup>191</sup>

Colson stepped off a late-morning train wearing a beige suit, a derby hat on his head. As he walked along Main Street toward the front entrance of the Capital Hotel, Colson caught sight of Scott and Golden and “bore to the left, giving those two the sidewalk.”<sup>192</sup> He entered the crowded lobby through the large double-front doors and surveyed the room, which was filled with ordinary visitors, politicians, and those – like himself – subpoenaed to appear before the Contest Board. Men lounged in wooden chairs set around each of the four columns that oddly divided the lobby lengthwise, or stood in small groups, smoking and talking with one another elsewhere throughout the room.<sup>193</sup>

After registering, Colson turned and began talking with

<sup>189</sup>*Louisville Courier-Journal*, January 17, 1900; *Lexington Leader*, April 20, 1900; *Middlesborough News*, April 14, 1900. See also Carolyn Clay Turner and Carolyn Hay Traum, *John C.C. Mayo: Cumberland Capitalist* (Pikeville, Ky. 1983), 34-35. Colson and Mayo both had interests in the Hard Times Investment Co., which speculated in coal lands. Colson said the two were to sell land “to the parties who proposed to work the mines, and I was feeling particularly good over the prospects.” Mayo, father of the “broad-form deed,” was one of the state’s richest men. Cecil apparently should have kept his gun. After lending it to Colson, he “had a leg shot off in a street fight.” *Lexington Herald*, April 20, 1900.

<sup>190</sup>Author’s interview with Jane Julian, January 7, 1997; *Louisville Courier-Journal*, January 18, 1900.

<sup>191</sup>*Lexington Leader*, January 16, 1900.

<sup>192</sup>*Lexington Herald*, April 20, 1900. See also *Louisville Courier-Journal*, January 17, 1900, which has Colson giving Scott “a defiant stare in the eye, almost stopping on the sidewalk.”

<sup>193</sup>*Louisville Courier-Journal*, January 17, 1900. Colson intended to travel to Louisville on January 16 for an evening Republican conference at the Galt House. Governor Taylor and Lieutenant Governor John Marshall attended the meeting,

several acquaintances, one of whom introduced him to Luther Demaree, the just-resigned assistant postmaster of Shelbyville. After a few minutes, Colson sat down in a vacant chair next to Mayo, “near the first window to the left of the front door as you enter.” He was sitting “somewhat sideways” in his chair, the counter about forty feet away to his left.<sup>194</sup>

Willie Robinson, the hotel bootblack, was shining traveling salesman O.D. Redpath’s shoes at his elevated stand along the east wall, just to the left of the railing to the basement steps. Scott and Golden had several drinks in the basement bar before going outside to the Main Street side of the hotel. William Smoot of Owen County was leaning against a maple tree there when he overheard their conversation. “Whatever you do, don’t let him get the drop on you,” Golden told Scott. “He never has and he never will,” Scott replied as the two turned and headed toward the ladies’ entrance.<sup>195</sup>

It was the dinner hour and a large and noisy crowd had formed in the lobby’s northeast corner, the spillover from the dining room located just inside the “ladies” corridor. The large rectangular dining room – already decorated for Bryan’s visit – was festooned with red, white, and blue bunting, which hung on the walls and light fixtures. A long, elaborately decorated table had been placed along the west wall – nearest the lobby – from which also hung a large portrait of the guest of honor in a gilded frame. Overtaxed waiters rushed back and forth from the kitchen filling orders and hastily seating guests. The large banjo clock in the center of

during which it was decided that they would “hold on to the State offices for which certificates have been given. . . .”

<sup>194</sup>*Middlesborough News*, April 14, 1900; and affidavit of J.C.C. Mayo, February 7, 1900. See also *Cincinnati Enquirer*, January 17, 1900. Mayo said Colson sat down first and Mayo joined him. Demaree had just resigned his position to accept an appointment by U.S. Senator William J. Deboe to a job in the “census office at Washington.”

<sup>195</sup>*Lexington Herald*, April 21, 1900; *Cincinnati Enquirer*, January 17, 1900. Golden was, in January 1900, commonwealth’s attorney of the state’s twenty-seventh judicial district. He was the father of James Stephen Golden, who would serve in the U.S. House from January 3, 1949, to January 3, 1955. See Richard Davis Golden, “In the Midst of the Storm: The Golden of Knox and Bell Counties,” *The Knox Countian* 11 (1999): 19-21.

the east wall chimed in the noon hour, virtually unnoticed in the din of conversation and tinkling silverware, plates, and glasses.<sup>196</sup>

Colson, still in conversation with Mayo, turned toward a cuspidor to his left, and his face dissolved into terror. Mayo, surprised, looked inquiringly toward the middle of the lobby. Ethelbert Scott was “walking toward me and somewhat to my rear” – as Colson recalled later – and reaching into his sack coat for his .38 Smith & Wesson revolver.<sup>197</sup>

Scrambling to his feet – adrenaline shooting into his veins – Colson reached his right hand into his own coat, grabbing the .44 Colt from its holster, as Scott fired and Golden moved toward him, veering to his right. Colson, hit in the left arm, fired back, moving to his left, as Golden retreated behind Scott. Two more shots rang out almost simultaneously, shocking the paralyzed crowd into shouts and frantic efforts to get out of the way.<sup>198</sup> Men fled through the front doors, down the stairs, and into the dining-room corridor. Others dropped to the tiled floor and crawled away. Women fainted. Waiters dropped their trays of dishes. A frantic O.D. Redpath jumped from his seat on the shoeshine stand and over the railing, falling to the bottom of the stairs and breaking his leg.<sup>199</sup>

Colson fired again as he passed between two columns, using one for cover, and Scott moved to the corner in which his enemy had been sitting, firing back. Moving slightly back to his right, Scott grabbed a terrified Luther Demaree, holding him with his left arm while emptying his gun at Colson with his right. Colson fired two more shots into the gunpowder haze, steadying the big pistol with his left hand – unknowingly killing Demaree instantly – and hitting Scott in

<sup>196</sup>*Louisville Courier-Journal*, January 17, 1900; *Cincinnati Enquirer*, January 17, 1900. Room descriptions are taken in part from *The Headlight* (Cincinnati, March 1898).

<sup>197</sup>*Louisville Courier-Journal*, January 17, 1900; *Lexington Herald*, January 20, 1900, and affidavit of J.C.C. Mayo, February 7, 1900. The quote is Colson’s.

<sup>198</sup>*Louisville Courier-Journal*, January 17, 1900. Golden admitted that he was attempting to grab Colson’s arm as both advanced on Colson. He denied charges that he also fired at his former colonel, claiming he was unarmed.

<sup>199</sup>*Cincinnati Enquirer*, January 17, 18, 1900; *Anniston (Ala.) Evening Star*, January 17, 1900.

the left side of his chest, sending him backward and Demaree sliding down Scott's body to the floor.<sup>200</sup>

Scott, now trapped in the corner, stopped, and the adversaries stared at each other for a silent moment. Coolly laying down his spent pistol on a leather chair, Colson drew his .38 Smith & Wesson pistol from his coat, as the younger man – a “wild, scared look on his face” – turned and ran for the stairs, firing his last bullet over his shoulder as he reached the top of the stairway. Colson followed quickly and – as he later said – “took very deliberate aim and shot at his head,” sending Scott tumbling downward and onto Redpath.<sup>201</sup>

Colson found his opponent at the bottom of the bloody stairs, lying on his back, pierced by six bullets. Scott's lifeless eyes still stared hatred at him, his gun at his side on the tiled floor. Stepping over the dead man's body, Colson walked out the basement entrance, went up the stairs to street level, and turned right, toward Main Street. He stopped – his back against the wall of the hotel's portico – to reload his pistol, walked to the sidewalk, and proceeded toward Mrs. Williams's boarding house half a block away.<sup>202</sup>

<sup>200</sup>*Cincinnati Enquirer*, January 17, 19, 20, 1900; *Lexington Herald*, January 17, 1900; *Louisville Courier-Journal*, January 17, 1900; affidavit of J.C.C. Mayo, February 7, 1900. The *Enquirer* goes into detail about Scott's using Demaree as a shield while shooting at Colson and quotes eyewitness Clayton Blakey to that effect. It also makes the claim that Demaree threw up his hands when shot in the heart by Colson, causing one of Scott's bullets to be misdirected into the “upper sash of one of the front windows.” “One of Colson's friends” stated that Scott, “seeing that Colson was about to fire . . . grabbed poor Demaree and pulled him in front as a shield. . . . and Demaree's life was paid to save Scott's for a moment.” The *Louisville Courier-Journal*, January 17, 1900, originally reported that Demaree had been shot with three bullets, “all lodged within a radius as small a that of a silver dollar.” It also reported that an examination of Demaree and Scott showed that one of Colson's bullets passed through Demaree and lodged in the skin of Scott's chest, somewhat confirming the “shield” reports.

<sup>201</sup>*Lexington Herald*, April 20, 1900; *Cincinnati Enquirer*, January 17, 1900; *Louisville Courier-Journal*, January 17, 1900; affidavit of J.C.C. Mayo, February 7, 1900. Colson's final shot occurred after the adversaries disappeared down the stairway, leading to the *Louisville Courier-Journal*'s untrue conclusion that Colson had fired “into the body of his prostrate victim.” See the *Enquirer* for an account of Scott's shooting over his shoulder as he ran toward the stairway. Several eyewitnesses told reporters that Colson held his gun in both hands as he aimed at Scott's head.

<sup>202</sup>*Louisville Courier-Journal*, January 17, 18, 1900; *Cincinnati Enquirer*, January 17, 1900. Dr. Hugh Tobin's post mortem reported that Scott's body contained the following bullet entry wounds: “a little above the back of the right ear,” the “right side over the scapula,” “just over the left scapula,” “left buttock,” and

CIRCULATION 1714

The Courier-Journal

MADE BY THE QUADRIPLER CO. OF ANY OTHER KINDS PRINTED IN KENTUCKY

ISSUES—NO. 11240 LOUISVILLE, WEDNESDAY MORNING JANUARY 17, 1900.—THIRTY PAGES. PRICE 1 CENT

BITTER QUARREL ENDS IN TRAGEDY AT FRANKFORT.

Former Congressman Colson Evens His Score With Ethelbert Scott At the Cost of Three Lives.

A BATTLE IN THE CROWDED LOBBY OF THE CAPITAL HOTEL.

Scott Dead With Seven Ghastly Wounds. COLSON BADLY WOUNDED. Charles Julian and T. W. Demaree Killed By Stray Bullets. THREE OTHERS WOUNDED. Colson Ejected Two Revolvers Into His Enemy. STAMPEDE AT FIRST SHOT. Scott Pursued Down the adjacent Stairs by His Reckless foe. LEFT DEAD AT THE FOOT. The Signal To Begin Shooting At Kentucky, His, Was Given. WAS WOUNDED. COLSON UNDER ARREST.



KILLED. DEPUTY SHERIFFS OF ASHLEY, Major of Ashland, Ky. CHARLES B. JEFFER, of Franklin county, a prominent farmer. EDWIN W. DEMAREE, Assistant Postmaster at Louisville, and a noted sportsman. WOUNDED. CAPT. BEN S. GIBBS, of Deloretville, the former of active command John Henry Wilson, Major of Ashland, but probably not shot. HENRY HOWARD, of Louisville, shot through the leg of the knee. G. M. BARRAGE, a Chicago drummer, considerably wounded. DAVEY O. GIBBS, of Louisville, an ex-Congressman from Kentucky, shot in the leg and arm and was wounded.



G. M. BARRAGE. He was shot in the leg and arm and was wounded.

Colson and Scott were in the lobby of the Capital Hotel, Louisville, Ky., on Wednesday morning, Jan. 17, 1900. Colson, who was in the lobby, was shot in the chest and arm by Scott, who was in the lobby. Colson was wounded and Scott was killed. The shooting was a result of a bitter quarrel between the two men.



ETHELBERT SCOTT. He was shot in the chest and arm and was killed.

Colson and Scott were in the lobby of the Capital Hotel, Louisville, Ky., on Wednesday morning, Jan. 17, 1900. Colson, who was in the lobby, was shot in the chest and arm by Scott, who was in the lobby. Colson was wounded and Scott was killed. The shooting was a result of a bitter quarrel between the two men.

The shoot-out, front-page news in Kentucky, was intensely reported in newspapers throughout the East and South.

The lobby was silent. A thick smoke, smelling of spent gunpowder, hung in the air, distinguished from the cigar smoke by its bluish tint. The three or four men remaining on the lobby floor slowly picked themselves up. Louisville Police Chief Jacob Haager rose, looking stoically in the direction of the stairs, still puffing on his cigar. J.C.C. Mayo pulled himself up with the aid of the chairs he and Colson had been sitting in when the shooting began. People peered at the scene from behind partially opened corridor doors, and a few tentatively returned to the lobby. "Get a doctor, I am shot," yelled Ben Golden, sitting on the corridor floor with a bullet in his back and former governor James B. McCreary at his side.<sup>203</sup> Charles Julian was standing in the corridor when he felt faint. The farmer staggered toward Farish Arnett, grasping the former Magoffin County sheriff's shoulder, and asked for a doctor. He was helped to Room 9, one of several the staff was hastily preparing to get victims out of the sight of other visitors. Julian lay on the bed, his left calf bleeding from a .38 caliber bullet, which – unknown to him – had severed the leg's main artery. By the time doctors arrived "nearly all the blood in his veins had left his body, and the physicians were powerless." Julian died in twenty minutes, leaving a wife and sixteen-month-old son.<sup>204</sup>

A group of men stood in a circle over Luther Demaree, who lay on his back, his feet almost touching the west wall. A man ran into the lobby through the open main doors and then, looking frantically around, over to the group, parting them with his hands. "Oh Luther," he said, falling to his

---

chest "just below the tenth rib on the right side." He didn't count the bullet lodged in the skin of Scott's chest as a wound. The Capital Hotel burned on April 5, 1917, and was replaced by a red brick structure that remains in downtown Frankfort.

<sup>203</sup>*Cincinnati Enquirer*, January 17, 18, 19, 1900; *Louisville Courier-Journal*, January 17, 18, 1900.

<sup>204</sup>*Cincinnati Enquirer*, January 17, 1900; *Louisville Courier-Journal*, January 17, 18, 1900. See also Urey Woodson, *The First New Dealer* (Louisville, 1939), 220. Varying accounts of Julian's death were reported. Some said he wasn't aware he had been shot, others that he failed to ask for help or waited too long before doing so. Farish Arnett's eyewitness account seems to be the most credible. He said Julian staggered to him, "just after the shooting," asked for a doctor, and said he had been shot. The delay in his treatment may have been caused by his being moved to a room instead of remaining in the lobby, to which doctors were summoned. Colson was initially thought to have fired the shot that killed Julian, though both Colson and Scott used .38 caliber Smith & Wesson revolvers. Be-

knees, and grasping his brother's shoulders and shaking them. "Luther, speak to me." Looking over the dying man's body, Demaree saw the horrific wounds beneath his brother's vest, literally ripped to shreds by two of Colson's bullets. "Oh God," he said, sobbing, "this must be a mistake. He never harmed anyone in his life." A sheet was brought and placed over Luther Demaree's body.<sup>205</sup>

Harry McEwan of Louisville sat in a chair, a .38 caliber wound in his foot. "Beasly," the "big negro waiter known to nearly every politician in the state," who had dropped a tray of dishes when the shooting began, "was coolly drinking a cup of coffee, having pulled a revolver and placed it on the table by his side." Chicago salesman O.D. Redpath was distraught over his visit to the Dark and Bloody Ground. "I disobeyed my wife's injunction in coming here, and I had not been here three minutes till I was shot at, had a dead man fall on me and broke my leg," Redpath said. "I want to go home."<sup>206</sup>

Hotel messenger boys ran to the capitol screaming the news that "a number of men were killed and many wounded in a pitched battle in the . . . lobby," prompting many legislators to rush to the scene, fearful that the rumored Taylor-Goebel civil war had begun.<sup>207</sup>

Colson, meanwhile, had walked the half-block to Mrs. Williams's boarding house – also the home of Frankfort Police

cause Colson and Scott exchanged their original positions during the incident, it was never determined who was actually responsible for Julian's death. The *Courier-Journal* reported that "Friends of Mr. Julian do not agree with the verdict of the Coroner's jury. . . . They think he was killed by Scott."

<sup>205</sup>*Louisville Courier-Journal*, January 17, 1900. Demaree "about 35 . . . owned a fine farm near Shelbyville, and was said to have been worth about \$30,000." See also Irvin S. Cobb, *Exit Laughing* (Indianapolis, 1941), 213. In a largely inaccurate account of the tragedy written in his humorous style, Cobb said Demaree's body was covered with "a bright blue raincoat."

<sup>206</sup>*Cincinnati Enquirer*, January 17, 18, 19, 1900. McEwan's bullet "entered the inner side of his right ankle and came out on top of his instep, showing that the bullet must have hit the tiled floor first and then glanced up."

<sup>207</sup>*Louisville Courier-Journal*, January 17, 1900; *Cincinnati Enquirer*, January 17, 1900. See also Woodson, *The First New Dealer*, 220. "Had the fight occurred between gentlemen of different political faiths there is no telling where it would have stopped, as it seemed that every person in the lobby was armed," reported the *Cincinnati Enquirer*.



*KHS Collection*

**The lobby of Frankfort's Capital Hotel. Crowded with approximately seventy-five people when the shooting began, it was nearly empty a minute later. After using Luther Demaree's body as a shield, Scott fled to the stairs in the foreground, where Colson shot him the final time.**

Chief Mason Williams – where he borrowed another gun from an eastern Kentucky friend and announced he was shot. E.E. Hume, a Frankfort physician, was summoned and began the process of extracting the bullet and dressing his arm, shattered near the elbow. Refusing to take painkillers while Hume worked for fear of another attack, Colson was forced to “grit his teeth as if in mortal agony.” “I don’t see why he did not let me alone,” Colson told J.L. McCoy, Fourth Kentucky veteran and Hatfield-McCoy feudist. “He ought to have been satisfied with what he had already done. I am sorry I came; I thought they would let me alone.” When Chief Williams arrived, Colson surrendered himself. Loyal eastern Kentuckians joined him in his room or posted themselves outside his door and even beneath the outside window.<sup>208</sup>

<sup>208</sup>*Cincinnati Enquirer*, January 17, 1900; *Louisville Courier-Journal*, January 18, 1900.

Colson was moved to the jail about three o'clock and a bed was placed in his cell. "He is in a highly nervous state and appeared to have been weeping when a reporter called," said the *Cincinnati Enquirer*. In the evening, he was visited by the Democrats' man of the hour – and his former general assembly colleague – Goebel.<sup>209</sup> The following morning, it was announced that Colson – his finger pointed into conflicting political winds – had hired as his attorneys James Andrew Scott, who was representing Goebel before the Contest Board, and T.L. Edelen, who was representing Taylor. Colson's brother, William Gillis Colson, "one of the most successful criminal lawyers in the mountains," arrived in Frankfort to assist, while Dr. J.S. Bingham, Colson's brother-in-law, came to consult with the patient's other doctors and manage his recovery. His arm was reported to be swelling, causing "excruciating pain" and amputation was feared to be necessary. The injured man was later moved to King's Daughters Hospital, where he gradually improved.<sup>210</sup>

A flood of telegrams of support and mail, primarily from Washington, D.C., Kentucky, and Tennessee, began pouring into the Frankfort jail. Colson reportedly received more than fifty in one day. Messages included sympathetic ones from "society women" and several from former congressional colleagues offering pro bono legal help.<sup>211</sup> Colson would be indicted by the Franklin County Grand Jury and charged with the willful murder of Scott, Julian, and Demaree.<sup>212</sup>

"A very pathetic scene" took place on January 18, when former governor Bradley went to view his nephew's body.

<sup>209</sup>*Cincinnati Enquirer*, January 17, 1900; *Lexington Leader*, January 18, 1900. Colson had a knack for maintaining friendships with Democrats, even during the Goebel crisis. The *Middlesborough News* reported on February 24 that "Representatives Alexander, Sharp and Conrad and House Sergeant-at-Arms Lyons, all Democrats, called the hospital to pay their respects."

<sup>210</sup>*Cincinnati Enquirer*, January 18, 19, 1900; *Lexington Leader*, January 28, 1900; *London Echo* quoted in *Middlesborough News*, February 3, 1900; *Middlesborough News*, February 24, 1900.

<sup>211</sup>*Cincinnati Enquirer*, January 18, 19, 1900; *Anniston (Ala.) Evening Star*, January 22, 1900. One of the telegrams was sent by Congressman Joseph Bailey of Texas, described as a close friend. Others were from "Congressman Clayton of Alabama, ex-Congressman Houche of Tennessee," and A.F. Mynatt, identified as attorney general of Tennessee. "Houche" was actually John C. Houk.

<sup>212</sup>*Anniston (Ala.) Evening Star*, January 22, 1900.

“He remained at the casket for several minutes and seemed to be deeply affected,” according to the *Cincinnati Enquirer*. “He said something in an undertone and tears streamed down his face.”<sup>213</sup>

“The clergymen of Frankfort (have announced),” it was reported on January 22, “that Tuesday shall be set apart in this city as a day of humiliation and prayer.” Ministers of the Episcopal, Baptist, Methodist, Presbyterian, Christian, and Roman Catholic churches denounced the “Frankfort Tragedy” – as it was already known – and other such affrays “indulged in by indiscreet political partisans.” The Rev. F.F. Taliaferro urged the one hundred or so in attendance at the Episcopal Church Chapel “never to purchase toy pistols and guns for children, nor acquaint them with anything that might lead to the evil of lawlessness.”<sup>214</sup>

As the Democratic portion of the legislature prepared to declare him governor, Goebel was himself shot on the capitol grounds on January 30 and died four days later. In the political panic that followed, the State Guard – loyal to Republican Governor Taylor and commanded by Adjutant General Collier – faced two hastily created Democratic militia companies – loyal to new Democratic governor J.C.W. Beckham – commanded by former adjutant general John B. Castleman and his assistant, who was none other than David Rodman Murray.<sup>215</sup>

When Colson was vilified in the press and otherwise criticized for claiming self-defense in an incident in which two innocent men lost their lives, the *Louisville Evening Post* was quick to come to his aid. “Scott and Colson were enemies: each should have known that the law would protect him against the other, but as a matter of fact each knew that the law did not give him protection; the law at least admin-

<sup>213</sup>*Cincinnati Enquirer*, January 18, 1900.

<sup>214</sup>*Ibid.*, January 24, 1900; *Anniston (Ala.) Evening Star*, January 22, 1900.

<sup>215</sup>Kleber, *The Kentucky Encyclopedia*, 377; Richard G. Stone Jr., *A Brittle Sword: The Kentucky Militia, 1776-1912* (Lexington, 1977), 92-95; and Smith, *History of Kentucky*, 941-42. Murray succeeded Castleman as adjutant general, serving from 1901 to 1903. He also served on the Goebel Monument Commission, which considered designs for a statue of Goebel.

istered in our State,” the writer said. “Kentucky has made each man his own guardian. She has imposed on him the heavy responsibility of which elsewhere the individual is relieved. One of these men hunted the other,” the article continued. “What was the other to do? Appeal to the law to protect him? But in Alabama the law was violated; who was punished? . . . If Colson acted in self-defense, imagine how he has been wronged by society; haunted and hunted and then compelled to stain his hands with another’s blood. Kentucky is guilty, and it will be only by a long and painful process that Kentucky can be regenerated.” The writer stated in a prophetic conclusion: “[I]n the shadow of this great calamity, of a State dishonored and her own sons made man-killers in self-defense, one must speak with sorrow, sympathy and patience of . . . the man whose whole life must be passed in memory of a great tragedy.”<sup>216</sup>

Colson’s trial began in Franklin Circuit Court on April 18 with Franklin County Commonwealth’s Attorney Robert Franklin being assisted by Judge George Denny of Lexington, former governor Bradley, and former Republican congressman John Henry Wilson. County Attorney James H. Polsgrove, who normally joined prosecutions, was a defense witness.<sup>217</sup> The defendant was represented by James Andrew Scott; his brother-in-law John G. Fitzpatrick; Judge Ben Williams of Frankfort; Burton Vance of Louisville; and E.F. Mynatt and L.C. Houk of Knoxville, Tenn. Edelen had not been retained, since the Kentucky Court of Appeals sided with the Democrats in the Goebel matter on April 6.<sup>218</sup> “All persons entering the court room during the day were searched for concealed weapons, in true East Kentucky style,” reported the *Lexington Leader*.<sup>219</sup>

Colson endured, with “a haggard look,” the three-day trial that featured numerous witnesses – including the injured bystander Harry McEwan – corroborating his self-defense claim that Scott had fired first. Even the deceased’s

<sup>216</sup>*Louisville Evening Post* quoted in *Middlesborough News*, February 10, 1900.

<sup>217</sup>*Lexington Leader*, March 16, 1900.

<sup>218</sup>*Ibid.*, April 18, 1900; *Middlesborough News*, March 24, 1900; and Tapp and Klotter, *Kentucky: Decades of Discord*, 453.

<sup>219</sup>*Lexington Leader*, April 18, 1900.

cousin Sam Morrow, former major in the Fourth Kentucky, testified that Scott was “a quarrelsome, violent man.” When Colson was acquitted – eighteen minutes after the jury received the case – on April 21, observers in the courtroom “sent up a wild cheer.” “The crowd took no notice of the court officers who pounded vigorously for order, but piled over the railing, surrounding Col. Colson and shaking hands with him,” reported the *Lexington Leader*. He received dozens of telegrams and letters of congratulation. One letter was from *Courier-Journal* editor Henry Watterson. “I have rarely had occasion to sympathize with any man more than I sympathize with you,” Watterson said. “I know that you not only acted upon the defensive but that you displayed uncommon forbearance.” He concluded: “Let me hope that you are on the road to the complete recovery of your health and that there will be many years of happiness and usefulness for you in this world.”<sup>220</sup>

## VII

Colson returned home to Middlesboro and tried, once again, to rebuild his life. He turned his attention to his coal and real estate interests in Kentucky and Tennessee, periodically making circuitous train trips to manage them in person. On January 1, 1901, he founded the Middlesboro Distilling Co., which began producing whiskey that would win the gold medal at the 1904 World’s Fair in St. Louis. On December 18, 1902, he married Ethel Elliot Helm, a divorcee originally from Paris, Texas, whom he had met in Lexington in 1898.<sup>221</sup>

One of the souvenirs Colson had kept from the Fourth Kentucky was the regiment’s blue silk battle flag, a version of the state flag. He presented the flag to Murray, now adjutant general of Kentucky, for preservation by the Kentucky Historical Society.<sup>222</sup>

<sup>220</sup>*Lexington Leader*, April 21, 22, 1900; and Henry Watterson to David G. Colson, June 18, 1900 (copy of transcript by Mrs. W.E. Moss in author’s possession). See also *Louisville Times*, April 21, 1950.

<sup>221</sup>*Lexington Leader*, October 25, 1904; and Turner and Traum, *John C.C. Mayo*, 35.

<sup>222</sup>Ed. Porter Thompson, “Historical Sketches of Banners Used by Kentucky Troops During the Spanish War, 1899,” *Register of the Kentucky Historical Society* 1 (1903): 26-27. The flag was “welcomed right royally” by members during the society’s 1903 “reception day” and displayed in the “northeast corner of the large front room” in today’s Old State Capitol.

Along with his brother-in-law John G. Fitzpatrick, Colson also attempted to resurrect his political career by winning legal cases, the most notable of which was the stunning April 26, 1902, acquittal of Berry Howard in the Goebel case. Their strategy of granting – for the sake of argument – a Republican conspiracy to murder Goebel, however, angered accused Republicans and their followers and undoubtedly cost Colson politically.<sup>223</sup> He returned to the state legislature and was a member of the Middlesboro Board of Education. When Congressman Boreing died in September 1903, Colson determined to seek the Republican nomination for his old seat in Congress but later bowed out.<sup>224</sup>

Appearing “the perfection of health” at age forty-one, Colson was nonetheless still suffering from paralytic symptoms and the permanent disability of his left arm. He experienced a degeneracy of his eyesight as a result – it was thought – of his wounds. He also suffered from “mental anguish” and a horrific feeling that he had yet to free himself from Ethelbert Scott. Associates noted that he had acquired a nervousness apparently brought on by a real or imagined fear of attack by Scott’s friends or relatives.<sup>225</sup>

On a trip to a Cincinnati eye doctor in 1903, Colson unburdened himself to a friend in the friend’s room at the Gibson House hotel. Removing the holster apparatus of “two huge revolvers which he carried under his arms, where they could be reached immediately by a cross-handed motion,” he began “with a weary smile”:

This is all folly. I am carrying these revolvers to protect myself from Scott’s friends. I know they will try to kill me sooner or later. That has been shown more than once. I know who they are who are seeking my life, and I do not particularly blame them. That feeling of revenge is a part of the bitter heritage of the old days in Kentucky. We feel that blood can only be wiped out by blood, and I am forced to carry these guns to protect my

<sup>223</sup>*Lexington Herald*, April 26, 1902.

<sup>224</sup>*Lexington Leader*, September 28, 1904. See also *Biographical Directory of the American Congress*, 868, 1120, 1352. Colson decided not to run after Dr. W. Godfrey Hunter and Don C. Edwards became candidates. Hunter won the election. Berry Howard went on to become sheriff of Bell County. (See *Middlesboro Pinnacle News*, August 22, 1918.)

<sup>225</sup>*Middlesborough News*, October 1, 1904.

life from men who have no personal feeling, outside of the feudal one, against me, and at least one of whom has never seen me, nor have I ever seen him. I will protect myself, of course, if given an opportunity. And yet, if they only knew it, Scott is avenging himself. Do not think that I am haunted in the ordinary sense in which that term is used. I do not believe in ghosts. I know that I am not followed by a ghost. And yet, wherever I turn I can see Scott's dying face. I am looking at it now. I see Scott, his face writhing in the energy of hate, and the pain of horror of dissolution, as plainly as I see you. His face is as real to me as is yours. The sentiment expressed on the face I see is as plain to me as is that of incredulity, mixed with suspicion, on yours. I see Scott, I tell you. And yet, I know that it is not a ghost I see. It is only a figment of my shattered nerves, born of those awful moments in the Capital Hotel.<sup>226</sup>

Colson grew increasingly eccentric, and friends became concerned about what they considered to be his worsening mental condition. In conversation, he was said to digress into long, "glorious" musings about "life in nature . . . farm subjects . . . the beauties of the forests and the grandeur of storms."<sup>227</sup>

His search for nature and solitude often took him to his Bell County farm, which was separate from his residence. At 10 a.m. on Monday, September 26, 1904, he harnessed his horse and drove to the farm. On the way back, the horse was frightened by something on the road and ran furiously until it could be reined under control. Completely unsettled by the experience, an enraged Colson put the animal into its stable, went into his house, upstairs into his room, and got his revolver. "In a state bordering on nervous prostration" he returned to the stable and shot and killed the horse. "He was still greatly excited upon reaching the house after killing the horse," his wife told a *Lexington Herald* reporter, "and was unable to get to his room, sinking unconscious at the foot of the stairs."<sup>228</sup>

Dr. Bingham was summoned and consulted with five

<sup>226</sup>*Kentucky Post*, September 28, 1904.

<sup>227</sup>*Middlesborough News*, October 1, 1904.

<sup>228</sup>*Lexington Herald*, October 25, 1904.

other physicians throughout the day and following night but held out little hope for his brother-in-law's recovery.<sup>229</sup> A "large crowd" formed nearby to await "bulletins from his bedside."<sup>230</sup> Colson died at ten o'clock the following morning, twenty-four hours after beginning the trip to his farm.<sup>231</sup>

Thursday, September 29, was described as one of the saddest days in the history of Bell County. Most businesses closed during the funeral service, which was to have begun at 10 a.m. but was delayed until 2 p.m. to accommodate the deceased's father-in-law. Middlesboro Mayor W.H. Turner issued a proclamation closing city hall and all other city offices from 8 a.m. to noon in Colson's honor. Every member of Pineville's Masonic lodge as well as "a large crowd of citizens" arrived in Middlesboro that morning on a special L&N train. Colson's body was laid to rest "alongside that of his brother John, upon the hill just across from where they both were born."<sup>232</sup>

"The passing of Col. Colson causes universal sorrow, not only in the mountains, but throughout East Tennessee," began a tribute in the *Lexington Herald* on September 30. "He was a most gallant gentleman, brave as a lion, yet gentle as a dove, his love for and gentleness toward his mother, now eighty-three years old, being especially marked."<sup>233</sup> "One of the most popular men in Kentucky," added the *Lancaster Central Record*. "A thorough gentleman, one who would go his length any where to help a friend."<sup>234</sup> "David G. Colson was richly endowed by nature," eulogized the *Louisville Times*. "Handsome, dashing, brilliant, courteous and courageous, a man of wealth, education and social standing; he was fitted not only for leadership in the mountains, but for the achievement of higher ambitions. He was popular with men of both political parties and his untimely death will be deeply regretted by all Kentuckians."<sup>235</sup>

The *Middlesboro News* ran Colson's obituary and photo

<sup>229</sup>*Louisville Evening Post*, September 27, 1904. Colson's physicians included Drs. Buck and Howard.

<sup>230</sup>*Lexington Herald*, September 28, 1904.

<sup>231</sup>*Ibid.*, October 25, 1904.

<sup>232</sup>*Ibid.*, September 29, 30, 1904.

<sup>233</sup>*Ibid.*, September 30, 1904.

<sup>234</sup>*Lancaster Central Record*, September 30, 1904.

<sup>235</sup>*Louisville Times* quoted in *Middlesborough News*, October 1, 1904.

across three black-framed columns on October 1, along with the phrase, "A Native Oak, Storm Wrecked." On page three of that issue, the paper printed the Republican ticket for the upcoming election, the head of which read: "For President THEODORE ROOSEVELT."<sup>236</sup>

### VIII

Colson had been invited to speak at a legislative banquet at Lexington's Phoenix Hotel on February 10, 1902, on a program that included celebrated political orators and after-dinner speakers. His remarks concluded, Colson returned to his seat and watched as Judge James Hilary Mulligan rose at the sound of his name and walked to the podium. Pulling a typewritten paper from his coat pocket, Mulligan recited his latest poem, *In Kentucky*, more than a million copies of which would eventually be printed. The initial stanza reads:

The moonlight is the softest  
 In Kentucky;  
 The summer days come ofttest  
 In Kentucky,

Friendship is the strongest,  
 Love's fires glow the longest;  
 Yet wrong is always wrongest  
 In Kentucky.<sup>237</sup>

<sup>236</sup>Ibid.

<sup>237</sup>John Wilson Townsend, *"In Kentucky" and Its Author, "Jim" Mulligan* (Lexington, 1935), 4-9.