# WHICH OF THEM DIED FIRST?

From a runaway automobile on Aug. procured a policy on her husband's 14, Charles Fair, a California millionaire, and his wife, whom he had made his heiress by will, were hurled against will to probate, being unable to de-a tree and instantly killed. whether or not the husband a tree and instantly killed.

The dreadful casualty occurred near Paris, France. The nice legal details which was affirmed. The case resulted as to priority of death, and the battle in the courts, if one should take place, will be fought in California.

Charles Fair had willed his vast estate to his wife. His wife had willed cruising in the borrowed yacht Paul her estate large or small to her reher estate, large or small, to her re-

Which died first? On a gasp, a moan, the flutter of an eyelash, millions of dollars may dend. A French woman from a nearby villa ran to them.

They were clasped in each other's and motionless. A physician would have looked for life. The French woman only wrung her hands, breathed prayers and composed them de-

And yet if it can be proved that Charles Fair died one-tenth of a second before his wife his estate will go to those who are already burdened with millions. It will go to the Vanderbilts and the Oelrichs-the married Fairs. If in law it can be proved that Mrs. Fair survived her husband by the twitching of a muscle, or of a moan of pain, she will have inherited his millions, and through her they will have passed down to her relatives, most of whom are in New Jersey. The whole thing sifts down to a

practically simultaneous deaths. By the tenets of the old Roman law there was no presumption that those Who perished in the same disaster all died at one. When in battle or shipwreck, or in any other disaster, a father and son died together it was presumed that the son, if he has arrived at the period of manhood, had outlived the father and that he had

If all were under fifteen years of age It was deemed that the eldest had lived the longest. As between the sexes in the same class the presumption of survivorship was always in favor of the male.

In France, by the code Napoleon, the same presumptions were adopted, as providing for succession in the order of nature. In substance its provisions were afterwards incorporated in the code of Louisiana.

Other countries have provided by statute that where relatives die in the same calamity there is a presumption that all expired at the same moment. There are many interesting cases in which both the civil and common law have been evoked, and which are published by the Lawyers' Co-operative

Publishing Company, of this city. The earliest known English case occurred in 1596, when George Hitchcock and his son, joint tenants in a certain lot of real estate, were both hanged

from the same cart. The widow of one of them claimed and established her dower right on the ground that her husband lived longest. Her husband, according to the evidence, was observed to move his feet and shake his legs after the body of

his son was still in death. The cases of Wright vs. Netherwood. and of Wright vs. Sarmuda, created a great deal of interest in England during the early part of last century. A while will in favor of his wife was drawn up by one John Wright, who remarried after her death, and with her children his second wife and a child by her, embarked from Jamaica for England on a vessel which was never afterward

heard from and which was finally admitted was lost with all on board. The question involved was, "Did the second marriage revoke the will not?" As there was neither wife nor children at the death of the testator, the question of the inheritance was that of priority of death. After a long legal battle the judge pronounced in favor of the will, claiming that the husband had survived his second wife and all of his children, though to all practical intents they had died simul-

taneously. case of Selwyn vs. Hogg related to the drowning of both husband and wife, who were voyaging from Liverpool to Bangor in the ship Rothsay Castle. There was no proof as to the time that either died. bodies were found fleating near the shore. In this case the judge decided that "in the absence of clear evidence it is taken that both died at the same

In a similar manner the property of sis. Murray, his wife and child, who were drowned while voyaging from Dublin to Quebec on the bark Emerald, of London, was disposed of.

time.'

When the ship struck the reef Murray was on deck. He immediately rushed below to his wife and child. As he descended the gangway the vessel struck a second time and went to pieces. He had bequeathed all his property to his wife.

The court granted administration to the husband's next of kin, as there was nothing whatever to show that his wife had survived him.

Another case that attracted public attention was that of Wainwright vs. Swabey. Mr. Wainwright perished with his wife and child in the Cawnpore massacre, and administration of his estate was awarded on the oath that the deceased was a widower without children, and that there was no evidence to show that the wife and children had survived.

In short, the English law picinly provides that you must either prove in cases of the death of wife and husand that she died before him, or that he reduced the property in his possession during his life. Conjecture will not do. Proof of the facts must be plain in all cases.

plain in all cases.

The English common low in such it SE VS cases has always applied in the United States in questions of survivorship. California, as before noted.

There have been several hard-fought rases in the courts of this country. none perhaps more interesting than those which came out of the burning of the steamer Pulaski, on June 14. 1838. The steamer had left Charles ton for Baltimore and was destroyed off the coast of South Carolina. Out of that disaster came the celebrated Wilbur cree in South Carolina, and the Pell vs. Ball case

On the doomed steamer there was a family 'onsisting of Mr. and Mrs. Bull and their adopted daughter. Mr. Rall had left a will under which it became material to determine whether of not Mrs. Ball had survived him. Mrs. Ball was seen and heard calling for him some time after the ex-plosion. The husband had neither een seen nor heard. The court held where there was any evidence whatever it must govern the decision of the case. Under the evidence given ne could not determine the case. practically analogous to that of Mr. |

and Mrs. Charles Fair in Paris.

Another queer case which occurred In this country was that of Mochring vs. Mitchell. Mr. Mochring with his wife and child, sailed to Europe on 59 Tablets, 25 Cents the steamer President, which was

life, which she attempted to dispose of by will. The surrogate refused to admit this had died before the wife. The question came up on appeal from his decision, in awarding the insurance money to the representatives of the husband,

without proof that he had died first. Harry C. Yokum, a wealthy St. Louis man, and his daughter Florence were ary, 1899. The yacht was lost at sea and all the party must have perished. Both father and daughter carried \$5,000 life insurance, each naming the other as beneficiary. The will of Mr. Yokum left all to his daughter Several intricate questions in the disposition of the estate were involved and the insurance company refused payment on both policies.

Out of the wreck of the steamship Schiller, on the voyage to Europe, in 1875, there arose a great deal of liti-gation in this city. When the Schiller was off the Scilly Islands it was wrecked, and Mrs. Ridgeway and two grandchildren, together with their

father, perished. The brother and sisters of the deceased father applied to the surro-gate to compel the administration of the estate on behalf of the children. The surrogate held that in the absence of any testimony there was no legal presumption as to which of the children had survived, and that therefore he could compel no administration of question of survival in the case of

The exceptions to these rulings in common law in cases of simultaneous death have occurred, as far as the United States is concerned, only in Louisiana and California.

will, which antedated the marriage. The only evidence admitted by the was a recital in the probate order appointing the wife as administrator and that she was the surviving wife Smith said of it.

of the testator. on appeal, said that as this order was the only evidence before the jury upon which, by the rulings of court, the verdict was founded, there was no evidence to sustain the finding, and that it was against the law. For where two persons perished in the same calamity, and it is not shown who died first, or there are no particular circumstances from which the survivorship can be inferred, also from or sex and strength, according to certain rules, one of which is that if both There is in common law no presumption as to the order in which death

comes to those who perish in a common disaster The fact of death being undeterminable, property involved descends as if death were simultaneous. When there is a presumption of any kind it is cre-

ated by the statutes. A more recent case in this city was somewhat similar to the Fair disaster was the burning to death of Mr. Wallace C. Andrews a m aire of this city, and his wife, Margaret St. John Andrews, and Mrs. George Boyden St. John. Mrs. An-

drews' sister. Unless Mr. Andrews died before his wife it is claimed that his bequest for charitable purposes is valid the extent of one-half of his estate, and that the excess of this amount would then go to his heirs.

The question as to whether Mr. Andrews or his wife died first has not yet been judicially determined.-New

# THE AGE OF SKYSCRAPERS

Experts Confess Themselves at Sea

Regarding This Latest Problem. What is the probable lifetime of the

New York skyscraper? That depends entirely upon its gene-

last went abroad he led a Pittsburg the trough, if such is used, and triend to Madison Square and confriend to Madison Square and confronted him with the huge, wedgeship, thrusts its white nose into the prevented by placing the trough on surrendered without resistance. He junction of Broadway, Twenty-third slatted platforms, made of such a size was hurried to the county jail a few street and Fifth avenue.

friend. "A mountain daisy," said Mr. Carnegie. Then he quoted aptly from Burns.

"Stern Ruin's ploughshare drives elate Full on thy bloom,'

That, at least, is one of the stories neard by a writer for the Sunday World Magazine while conversing with an eminent consulting civil engineer. The talk was about the all new purchases, in which they ongevity of the up-to-date, up-to-the- would be kept for a few weeks to make sky steel structures now building or sure that they are free from disease. built in New York city.

the engineer. "Who can say? In an notice should be given to the Minister earthquake, probably about as long as

# Something

for a new article when it becomes . immediately popular. There must be a reason for it. Only twelve weeks after the first box of

#### IRON-OX DESCRIPTION OF THE PROPERTY OF THE PERSON OF

TABLETS STATE OF THE PROPERTY OF THE PARTY OF THE PA

left the factory in New England they were selling in every State and Territory except Alaska, Delaware and Indian Territory.

Why Was It? It you try the Tablets, or ask

you will have the answer. It is a great medicine for the Stomach, for the Blood, for the Nerves.

any person who has tried them,

## the seismic shock itself. They'd all come down like a pack of cards. But under normal conditions the age of the skyscraper is the age of an old maid-

we can only guess at it. We must wait until one of them dies." It was pointed out that the lifetime of brick and granite, of the Chinese wall and of the Pyramids was not at

all problematical. But that's a different thing entirely. What are they but foundations, anyway? And bear in mind that in this climate there is no building stone which is imperishable. The question is simply this: Will the inner steel structure of the skyscraper last as long as a solid building of granite or kaolin brick? The question was brought to issue by Gen. William Sooy Smith at a recent banquet of real estate men in Chicago. The general is a West Pointer and a thoroughly competent authority in engineering matters. He has disclaimed any intention of posing as a prophet of evil, or of

being regarded as an alarmist in the profession. But he did and does declare point blank that a great danger of instability and early decay exists the bosom of the writer. All the par- parently very careless of his prisoner, in the careless or ignorant manner of erecting many of our finest examples of tall office or apartment buildings. There is always, of course, a serious menace in the weather to improperly protected steel."

The writer saw Edward L. Abbott about the matter. Mr. Abbott, an associated member of the American Society of Civil Engineers, has an office with Mr. Charles Sooysmith, son of perate men in the district. Excitethe general (who divides the name in ment ran high, for everybody realized two), and he discussed the skyscraper's chances of life with an air of

the matter in a nutshell for the readers of the Sunday World. It is this way: There should always be an allowable strain per unit of section of one-fourth or one-fifth of the ultimate strength of the steel used in a building; that depends upon a given factor. anxious throng who had collected to point the structure is built to sustain promise that their plans were thwart-The most notable case in California point the structure is built to sustain was that of Saunders vs. Simcich, five times the strain to which it is The testator, with his wife and two actually subjected; and it is a rule of actually begun. Police officers hurchildren, perished in a fire which described that no building should stroyed their home. The jury found be weighted beyond one-half of its men lying dead and one wounded. All that the wife survived. The effect of elastic limit. Now, suppose the foun- were of the Republican party-two this, according to the California sta- dation of a huge twenty-story steel prominent partisans, while the other tutes, was to work a revocation of the structure is slowly but surely weak- was an innocent bystander, who had ened by corrosion, what results? What committed no offense save to cast his must result? Why its decay at the vote for the party of his choice. While court on the point of survivorship roots, of course, but not of necessity the excitement over the shooting was its instant collapse. It must go into at its height the result of the election repair. That's about what Gen. Sooy

> too much cannot be taken with the had been the victims of partisan feel- the others would locate the prisoner, steel which forms the skeleton of the ing, and they clamored for the detecskyscraper. The foundation steel must not only be securely imbedded in a cement impervious to the subtle action of everpresent moisture, but the cement itself trembled with fear and apprehension, of adhesion, not mere general contact

'Well, I should like very much to be over forty-five and under sixty the have a peep 40 years from now at male is presumed to have survived. the steel which forms the foundation

with the steel. Elsewhere and upward

some of our biggest buildings." A majority of the city's consulting engineers visited by the writer agreed

# AND ITS CURE

Expensive Disease Which Extremely Contagious.

Breeders Should Arrange His Premises So That He Can Divide Them

Into Isolated Piggeries.

In a bulletin just issued by the Department of Agriculture, Ottawa, there is the following reference to hog natured man, forgot all past differ-

Hog cholera is extremely contagious and infectious. No other disease is more so; it can be conveyed to healthy swine in an endless number of ways, both by direct contact and intermediary agents, buildings, railways, platforms, wagons, crates, clothing,

boots of attendants. Great improvements can be made in the manner of feeding corn to hogs. Just before Mr. Andrew Carnegie Too often the surplus is rooted out of goes fermentative changes and when shaped structure which, like a colossal intestinal disturbance. This could be that escape was impossible, Martin

> other reasons. PREVENTIVE MEASURES

When the disease has been introduced "How long will they stand?" said and discovered in a herd, immediate of Agriculture, who will cause an investigation to be made, and if the disease is found to be hog cholera, quarantine will be established, the actually diseased pigs immediately slaughtered and the carcasses burned, or deeply buried with lime; all fat enough will be immediately slaughtered and if, on post mortem examination, they are found free from the disease, they will be sold for pork, and the balance fattened as quickly as possible and disposed of if, on examination after death, the flesh is considered fit for food: indemnity being paid for those actually diseased, to the extent of one-third of their value before they became dis-eased. For animals in contact, the The crowd of avengers met, as arcompensation is three-quarters of their ranged, on the Thursday night. All value. Every pig on the farm must be were dismissed save seven of the killed and the premises thoroughly dis- shrewdest and most trusty, the others infected before an inspector can issue being conciliated by the assurance an indemnity certificate, which must that they would be called together be accompanied by certificates of sat- again when the plot was complete. isfactory disinfection; thereafter the Plans were then submitted and disquarantine

> A parrot may be taught to talk by placing it in a darkened room and re- ly to bring ruin and untimely death to peating a word or phrase five or six each of the participants. Shephard's hundred times. IMPURITIES IN THE BLOOD .- When

# THE GREAT ROWAN COUNTY WAR

A FAMOUS KENTUCKY FEUD.

Kentucky feuds have long been cele- | up" the train while the others shot brated in song and story, but no feud | Martin.

Shephard duly presented himself at has ever been so expensive to the the Winchester jail on the Saturday State, so demoralizing to the people, night following and delivered the and so disastrous to life and property as the terrible "Rowan County War," | Shephard waited for his prisoner at which had its beginning and its end in the entrance. Not a word of greeting the little town of Marchaed Flood was exchanged between them, and the little town of Morehead. Blood after parting from the jailer Shephard, flowed almost as freely as water, and accompanied by the prisoner, walked both the county and State officials were | rapidly to the railway station, reachpowerless to prevent the great loss of puffing in. life. Many are the thrilling narratives that have been written concerning this whirled away through the fair "bluefeud, but the greatest tragedy of the conflict, and doubtless the most mys- ling light from a distant farm house terious ever enacted on Kentucky soil, was the only thing to be seen. Shephas for years been locked securely in ped in gloomy meditation; he was ap-

and terrible detail. county election was held in Rowan us go into the smoker and take county. At Morehead, the county seat, were gathered some of the most desthat the election meant more than the triumph of one section over the other dispassionate conviction.

and a division of party spoils, but Just at this hour I was hastening "I think," said he, "that I can put that to the winning party it would from my home in Farmers to the bedmean great loss of life. While the more law-abiding citizens were discussing the best means of averting trouble, a pistol shot rang out, and answering ones promptly resounded through the air, proclaiming to the Say that is five, it means that at every discuss measures of peace and comed and that the threatened trouble had was announced, giving victory to the Democratic party. This infuriated the "The simple fact is that while too Republican leaders still more. They In revising the judgment, the court, little care and precaution actually are, were certain that their murdered men tion and punishment of the guilty par-

ties. The entire county was soon in a commotion. The women and children to be effective must come into a state while the menfolk collected in crowds in every place throughout the county and discussed the result of the electhe probabilities resulting from age the steel must be covered with asphalt tion, the crime and the possible appreor preservative paint. If it is not-hension of the murderer. Suspicion pointed to Floyd Tolliver, an hotel proprietor in the town of Farmers, eight miles from the county seat, but as my trembling limbs would carry this suspicion was based solely upon me to the bedside of my friend. No his well-known party prejudices and the fact that he was close to the scene in the main with Mr. Abbott's views. of the murder when the officers arrived. He was a man of prepossessing appearance, tall and well-built, and of a jovial temperament. It seemed preposterous to his friends to think that

he was capable of such a crime.

MURDER OF FLOYD TOLLIVER. For months nothing happened, and extinguishing the lights as if by magic, Floyd Tolliver went to Morehead to purchase supplies for his hostelry. It being the regular county court day, many citizens were there, some to attend to their claims and business and others for pleasure. Conspicuous among the latter class was John Martin, a champion of the Republican but there was no trace of the masked party and a well-known bully and desperado of Eastern Kentucky. Meeting Tolliver in the street that day about noon, he greeted him pleasantly and invited him to step across to the saloon at the opposite corner and join him in a social glass. Though there had been some bitter feeling between them, Tolliver, being a goodences and accepted the invitation, with no thought of impending danger. While drinking and talking together, the shooting incident was mentioned, and a hot dispute ensued, whereupon Martin, true to a premeditated plan, shot Tolliver dead. The muffled sound of the pistol reached the officers at the courthouse, and they were on the spot al nost before the smoke had cleared Martin was discovered standaway. ing in the middle of the floor with his pistol in his hand, complacently marking on it the notch which chronicled his ninth victim. The officers secured afterwards eaten produces gastric and the doors and windows, and, seeing as would admit of their being moved yards distant, and in less than half "It's a daisy," said Mr. Carnegie's easily, when necessary for sanitary or an hour a strong guard had been placed around the building by a Republican marshal-ostensibly for the Every breeder or feeder of pigs ought purpose of preventing the prisoner's to arrange his premises so that he can escape, but believed by the Democrats divide them into perfectly isolated pig- to be for his protection against mob geries, so that if, by some misfortune, violence. Next day Martin was hastdisease is introduced to one lot, the ened to Winchester, a "blue-grass" others may be preserved, through iso- town beyond the border of the feudal lation. Breeders and owners would section. None too soon was this pregreatly serve their own interests by caution taken, however, for in a dark providing a separate pen as a quaran- and lonely ravine, known as "Gloomy tine pen for probationary detention of Hollow," two miles from the town were gathered twenty men, who had determined to break into the jail and kill the murdered of their friend Tolliver.

A DARING PLOT.

Although temporarily baffled, these self-constituted avengers were not beaten, and their leader-one Shephard -arranged another meeting in the Hollow for the following Thursday. Meanwhile Martin, in the custody of the sheriff, and accompanied by a devoted and sorrowful wife, was speeding away toward the peaceful town of Winchester. His friends now busied themselves with schemes for his escape. They met and plotted how they might secure his freedom. The other faction, however, were occupied with a plot, intricate and dreadful, for the minister will order the removal of the cussed, but none found universal favor until Shephard unfolded scheme. It was a simple idea and one easily executed, but was ultimateplan was as follows: An order was to IMPURITIES IN THE BLOOD.—When the action of the kidneys becomes impaired, impurities in the blood are almost sure to follow, and general derangement of the system ensues. Parmelee's Vegetable Pills will regulate the kidneys, so that they will maintain healthy action and prevent the complications which certainly come when there is derangement of these delicate organs. As a restorative these Pills are in the first tent. be forged, purporting to be from the county judge to the failer at Winches-

forged order to the jailer, who had no ing it just as the eastbound train came They boarded the train and were

grass" country. Darkness enveloped everything, and an occasional twinkbut as a matter of fact his eye never ticipants having now gone to their once wandered or relaxed its vigilrest, however, and secrecy being no ance. When they reached the town of longer necessary, I have decided to Mount Sterling, some twenty miles give it to the public in all its strange from Farmers, he rose with a nonchalon the 10th day of August, 1882, the carelessness said, "Come, Martin, let puff." It was at the hour of 11 that Shephard and his prisoner entered the smoking-car and seated the selves, Shephard placing himself on the side next the aisle.

JOHN MARTIN'S FATE. side of a dying friend. In order reach the place quickly I took an old deserted road, and when hurrying along about a mile from the village I had just left sounds of galloping horses' feet arrested me and alarmed me, for I was aware of the great excitement that prevailed. Accordingly, as a measure of precaution, I jumped behind the stump of a gigantic tree to await the passing of the horsemen. As they drew near thay slackened their speed and finally stopped and dismounted within ten feet of me. I was almost paralyzed with fear, thinking that my presence would be discovered, but I soon found that they had only stopped to review some plan recognized each voice, and in a few noments was made acquainted with all the details of the terrible deed to be committed that night. They discussed the location of Shephard and his prisoner in the car. There were six of them, and I gathered that three would "hold up" the engineer while shoot the lights out, and then attack him. Shephard was to dodge benea h the seat to avoid injury to himself. After repeated instructions and careful cautions they remounted, and, he uring the whistle of the train in the distance, put spurs to their horses and

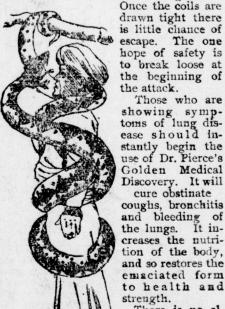
galloped on. I was rooted to the spot with norror. There was no time to save Martin from his fate, for the train was almost due. I saw that I was powerless to do anything, and, too frightened to. think coherently, I hurried on as fast minister being present, I prayed with him and soothed him in his dying hours. I was in a state of great agitation and dread, and spent a night of indescribable horror.

Next morning the country rang with the news of John Martin's death; how six masked men had held up the train at Farmers; how three appeared in the doorway of the smoking-car, and fired with one accord at the manacled man. Their aim was excellent—Martin dropped mortally wounded. Meanwhile the frightened occupants of the carriage scrambled wildly for the door Others from the next carriage rushed up, and a scene of wild confusion cnsued. The lamps were again lighted, ly and as silently as they came. The terrified passengers assisted in trying to minister to Martin, who was still living, and when the train reached Morehead he was carried to the nearest inn and a message dispatched to carry the sad tidings to his father and mother. The messenger found a band of desperate men assembled at the Martin's house planning the release of their leader on the morrow bute their plans could avail him nothing now. The bearer of evil tidings broke the news as best he could. Grief and consternation were depicted on every countenance, and with one accord Martin's supporters hurried to the inn, to find the dying man breathing his last. He was able to utter but one word—"Revenge"; but these wild chil-dren of the feud country understood. and swore vengeance in his dying

ears. Martin was buried two days later. But what of his murderers? There was not the slightest clue to their identity. I dared not reveal my knowledge of the crime, for it only meant certain death to me and more blood-

# CONSUMPTION

Is like the constrictor which drops its coils around its victim and slowly lightens them until life is extinguished. Once the coils are drawn tight there



to break loose at the beginning of the attack. Those who are showing symp-toms of lung dis-ease should instantly begin the use of Dr. Pierce's Golden Medical Discovery. It will cure obstinate

coughs, bronchitis and bleeding of the lungs. It increases the nutrition of the body. and so restores the emaciated form to health and strength.

There is no alcohol in "Golden Medical Discovery," and it is entirely free from opium, cocaine, and all other narcotics.

cocaine, and all other narcotics.

"I feel it my duty to give my testimonial in behalf of your gread medicine," writes Mr. John T. Reed, of Jefferson, Jefferson Co., Ark. When I commenced taking Doctor Pierce's Golden Medical Discovery I was very low with a cough, and would at times spit blood. I was not able to do any work at all, was weak and my head was dizzy. The first bottle I took did me so much good that I had faith in it and continued until I had taken twelve bottles. Now I do not look like nor feel like the same man as I was a year ago. People were astonished and said they did not think that I could live. I can thankfully say that I am entirely cured of a dis-

thankfully say that I am entirely cured of a dis-case from which had it not been for your won-derful 'Discovery' I would have died." Dr. Pierce's Common Sense Medical Adviser, paper covers, sent free on receipt of 31 one-cent stamps to pay expense of customs and meiling only. Address Dr. R. V. Pierce, Buffale, N. Y.

shed in the county. Besides, how could I substantiate my story against seven men's denial? So the crime and its perpetrators have always remained a mystery. Thereafter terrible tragedies followed each other in quick succession, and, although I noted them all with increasing horror, my lips per-

#### force remained sealed TERRIBLE NEMESIS.

I will now proceed to set forth the strange fate which befell the seven

Julian Weich, a man of unusual brilliancy of mind and nobility of character, a much-respected citizen of Farmers, had been persuaded to the guilty seven through a misrepre-sentation of their purpose. They convinced him that the killing of Martin was the only way of ending hostilities without many years of bloodshed and strife.

He was drawn into the plot, believing the act to be one of patriotism and of justice. He forged the fatal order, and a short time afterwards realized that he was a murderer, guilty of a dastardly crime. Being a man of tender conscious, he brooded until life became unbearable, and finally to drown his remorse in headlong dissipation. He finally came to an untimely end on the first anniversary of the night when he aided and abetted in the murder of John Martin. He died raving in delirium, beseeching the watchers again and again to "burn the order; burn the order." They, of order; burn the order." They course, did not understand him. will now follow the career of

William Colton, a man who had served for years as one of the county's best officials. He continued to live in Morehead for some months after the Martin fragedy, and quietly pursued his avocation, which was the practice of law. But the fear of discovery lay heavy upon him, and he moved back farther into the mountains, to Martinsburg, thinking thereby to insure his safety. Soon after he settled there a terrible crime was committed in the locality, and suspicion pointed to Colton. He was arrested, tried and convicted, upon purely circumstantial evi-The judge, as if inspired by Fate, fixed the day of the second anniversary of John Martin's death as the date of his execution. The convicted man was duly hanged on the appointed day, although loudly protesting his innocence to the last mo-Three weeks later the real murderer, being no longer able to bear the weight of a guilty conscience, con-fessed to the murder and thus declared Colton's innocence. But it was too late. William Colton had gone to answer for his share in the tragedy at Farmers.

Some months later it was whispered that one of Morehead's most prominent citizens had become mentally unbalanced. For days he would walk and talk incessantly, and when unable to secure a companion in his rambles would hold conversation with some imaginary person. This mood was folowed by days of strictest seclusion. He was gloomy and taciturn, and would see none of his friends or acquaintances. His family kept the matter suppressed for weeks, until finally he conceived a maniacal hatred for one of his grown sons, addressing him always as "John Martin," and attempting to murder him whenever he came in sight. Family pride and filial love finally succumbed to fear, and his family had his sanity tested in

Imagine, if you can, the feelings of the writer when summoned on the jury to try this man for lunacy cn the same fatal day of the year that John Martin was shot. It was the third anniversary. The man was sent to the Lexington Insane Asylum, and there he remained until the day of his death some few months later. I have said: death some few months later. I have since heard that when the train reached the town of Farmers he became so "Yes," said another. "But why?" "I violent that it required the assistance of four passengers to hold him down. No one could account for the agitating effect of that quiet, peaceful little village upon the diseased mind; but to acquainted with the case, as was it seemed perfectly clear.

Three years had now passed, each bringing its terrible result to some one of the guilty band. I had in the meantime lost trace of John Wheeling, one of the chief plotters in the gang. and one whom I remembered as most noisy when discussing their plans on that fateful night. I chanced one day to pick up an Ohio paper, and was stricken speechless with astonishment to find the picture of John Wheeling -a prisoner awaiting trial for the murder of his father-in-law. I followed the proceedings of the trial very carefully. No motive could be assigned for the deed but John Wheeling was given a life-sentence, and on the fourth anniversary of his midnight ride to Farmers be donned a convict's garb crime of which he stoutly declared his innocence, and for which no just cause or reason has ever yet been found. Hitherto I had not connected the catastrophes which befell these men with the murder of John Martin, but now I began to note the mystery of it all, and found myself looking forward to the 3rd day of March with excitement and dread. The fifth anniversary, a beautiful day for the season of the year, passed off without any evil occurrence, and I felt greatly re-But night came with another misfortune wrapped in its gloomy cur-

## ANOTHER NIGHT TRAGEDY.

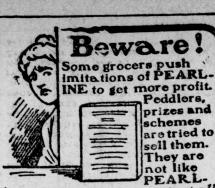
Andrew Tolliver was a prosperous farmer living some five miles distant from the county seat. He had sold the products of his farm a few days before, and came on the 3rd of March to deposit his year's earnings in the by keeping a silent watch over safe of a merchant friend in town, there being no bank nearer than 30 visible and inexorable Nemesis? miles at that time. He seemed unusually cheerful and jolly that day, meeting his fellow-farmers along the road with a cheery greeting and passing jokes with all. "Andrew seems lively this morning," remarked one; "he must have had a good sale this year

Tolliver lingered in town beyond his wonted stay, chatting with different friends. At dark, however, he bade them "good-bye" and galloped out of town towards home. But he was destined never to reach his home alive. He lingered so long in the town that his family, becoming alarmed at his prolonged stay, sent a boy of 15 in search of him. The night was one of inky blackness. The boy rode on un-til he almost collided with a riderless horse, standing still in the road. held his lantern higher so that he could see the animal, and with a start recognized his father's saddle-horse His father was hanging from the stirrup covered with blood, and quite

The boy's pitiful cries aroused sov eral persons, and soon a large crowd gathered and conveyed the body home. Morning had dawned by this time, and the coroner was soon upon the ground making investigation. By bits of clothing and traces of blood they traced the victim back to the old homestead of Jehn Martin, but what occurred at that spot still remains a mystery. The coroner's verdict was that Andrew Tolliver came to his death by being thrown from his horse and dragged along the road, the horse's fright being occasioned some one fust in front of the old deserted Martin homestead.

## MURDEROF JOHN SHEPHARD.

Meanwhile John Shephard was sc- man must have passed. lourning in the Kentucky Penitentiary, having been sentenced to imprisonment there for a term of 21 years for killing drawn-out tragedy had reached its bitan officer in Mount Sterling, who at- ter culmination,



INE. They set you against all washing powders. PEARL-

INE is the best washing medi-

um-does most, saves most.

Absolutely harmless, most eco-

nomical soap you can use. 674

Enter Pearline Exit temped to arrest him for some mis-While he was in the penitentiary he conducted himself so meritoriously as to get into graces of the warden, and to secure greater liberty than other criminals of his class. He pretended to become converted, and was a devout worship-per at the prison chapel. His good conduct, together with the untiring efforts of his friends, secured his release after an imprisonment of only five years. He returned to his native county apparently a changed man. While in prison he met a beautiful wo-man who visited the prison Sabbath school and taught the Bible. They were associated much together, and she was one of the most untiring in

the effort to secure his release, and

ultimately married him. Shephard took a contract to oversee a timber job in "Gloomy Hollow," and one day parted fondly from his wife to go and assign the work to he laborers, assuring her that he would return in a few hours. But he never came back. The day passed and he came not. Night came on and the woman watched anxiously, and still The he did not make his appearance. next day passed and the next night, and the poor wife was frantic. She had made but few friends, and could appeal to no one. The next morning, however, just as she had succeeded in interesting the police officials and had got them to start in search of him, the news came that he was found. man who found him was, according to his story, out hunting stray hogs, and when he reached the darkest part of "Gloomy Hollow." hearing the swine moving, he turned out of the path and proceeded in that direction. After going about 30 feet, he was horrified to see the dead body of a man. It proved to be no other than Shephard-stone

dead, murdered.

When the officers set to work to find the assassin, they found only the spot where beaten-down bushes had afforded him a place of concealment. The underbrush was broken and the earth trampled hard, showing that the eral days, and that he knew traveled daily by his victim evident to me that some of John tin's avengers had been at work though years had passed and "Rowan County War" was suppo to have ceased and all the old enm to have been buried. It was but other mystery that baffled those wh would have made it clear, while fear kept silent those who could have explained it. They moved the body of Shephard into the old courthouse at Morehead. While the watchers sat and discussed the terrible crime in whish ers, someone mentioned another erime in years gone by, and one of is all," he said. "It was the 3rd day of March in the year 1883," said his companion. "Good heavens!" returned the first speaker. "If Jack was killed three days ago, as the doctors testify, he must have been murdered on the 3rd day of March!" They talked long on the subject and all agreed that it was a strange coincidence, for Shep-hard was known to have delivered the forged order which secured the handing over of Martin. A strange coincidence, indeed, but still none saw in

this strange crime, as I did, the hand of the avenger. No one was ever indicted for the murder of Jack Shephard. The murderer has not been apprehended to this day, and no one ever dared to advance so much as a theory concerning who the person might be, lest they should themselves share Shephard's

## SUICIDE OF GERALD WALSH.

Only one of the consipators was now living. He was a man of wealth and influence, and Providence seemed to smile upon him and bless him beyond the lot of his neighbors. He was a model citizen, and enjoyed a happy home and success in his every undertaking. "Surely," I thought, "this man will escape the Nemesis" Still, during the last days of February, I found myself looking forward to the 3rd day of March with nervous dread. nearer that day approached, the more apprehensive I became. My nights were troubled and filled with night-mares, and the days with gloomy retrospective thought and still gloomier anticipation. I had stood silent and powerless, watching these many tragedies growing out of one, until, under ethe burden of the awful secret, I felt almost as guilty as the original seven conspirators. Could I not in some way warn Gerald Walsh, or could I not, save him from the hand of this incould not dispel the gloomy thoughts that filled my mind, and sometimes

imagined that the succession of tragedies had almost turned my brain. When I looked at the calendar the date March 3 seemed magnified to my distorted vision, and sometimes I seemed to see a red circle around the date the 2nd day of March closed and night came on I could no longer bear the suspense, but resolved to go on the morrow, whatever the cost, and warn Gerald Walsh. The night passed slowly every moment seeming an hour, and when morning dawned I arose, looking worn and haggard. Without waiting to partake of our morning meal. I caught my horse and galloped to Morehead. When I reached the village I met two men, and, seeing that they were excited, stopped to inquire the cause. "Gerald Walsh is dead." answered one. "He committed suicide last night!" "What for?" I asked, horrified beyond expression at the news. "No one knows." he answered. "He seemed as cheerful as usual until yesterday, when his wife noticed that he appeared depressed." "Did he leave no message?" I inquired, anxiously. "Yes; he left a note pinned to his pillow, saying, "It is better to go out and meet your fate than run from it and be overtaken,' but no one understands what he meant."

But I understood-and like a flood of light the explanation broke in upon me. There had been another silent spectator to this ghastly series of catastrophes—one who was vitally interested than myself viewing the drand and suffered for days and I chuldered at the thought of the ordeal of appre-hension through which this wretched My life-leng regret is, and ever will be, that my lips remained sealed until this long-