

MOUNTAIN ADVOCATE.

Entered as Second-Class Matter Friday, February 19th, 1904 at the Postoffice at Barbourville, Knox County, Ky., under Act of Congress of March 3rd, 1879.
MOTTO:—LIVE FOR OUR FRIENDS—DO THE GREATEST AMOUNT OF GOOD WE CAN TO THE LARGEST NUMBER OF PEOPLE.

First Year.

BARBOURVILLE, KENTUCKY, FRIDAY, MARCH 25, 1904.

Vol. 1. No. 6.

Dan H. Williams

is opening

A NEW STOCK

In the little building between
the Furniture Store and the
Old Cumberland Valley Bank

All the Latest Things

No use to Mention Prices

You Know Me.

OIL RIG For Sale

Complete Standard OIL RIG, Consisting of 1,200 feet 2 1-8 cable new Ajax Engine, Full List of Drills, Jars, Sockets, Fishing Tools, Blacksmith and Rig Building Tool, Rig Timber, Everything needed.

Address **B. A. ROGERS,** FLORENCE, ALABAMA.

EASTER OPENING OF Spring Millinery

On Monday and Tuesday, March 28-29, 1904.

All the Ladies especially are requested to attend
Come in and see our line and learn our prices,
I desire to close out my entire stock of Dry Goods
which I am now selling at and below cost.

Don't go away from home for your Easter Hats
before seeing my line and learning my prices. I can
save you money.

Respectfully,
MRS. CARRIE DICKINSON.

This space belongs to
J. W. McNAMARA,
The Baker,

Who is too busy this week baking
to write his ad. Go and get some of
his fresh bread.

GETTING EVEN

With Indiana Game Laws. Kentucky's
New Measure Signed by the
Governor.

Kentucky sportsmen are at last
avenged on Indiana for the slight
put upon them by the Hoosier State.
Several years ago Indiana passed a
law requiring every non-resident hun-
ter to pay a fee of \$25 for the priv-
ilege of bagging game in the State.
In addition it was required that

every sportsman's license be accom-
panied by his photograph, with other
provisions that were considered de-
cidedly inhospitable. In retaliation
the Kentucky Legislature, at its ses-
sion just closed passed a measure
which provides that any non-resident
hunter shall pay the license imposed
on visitors in the State whence he
comes. Governor Beckham signed it
Monday. It is considered per-
fectly fair, and at the same time
evens Kentucky with Indiana.

"TOWN TOPICS" ON CALEB POWERS.

"The Widow" One of the Most Noted Writers of the
Metropolitan Press, Turns Her Pen on
Legal Injustice in Kentucky.

(From Lexington Sunday Leader.)

Caleb Powers has found another champion in "The Widow," a brilliant member of the editorial staff of Town Topics, whose letters to that noted New York paper from Chickamauga, Tampa and other camps during the Spanish-American war did much to arouse the War Department and the country to the deplorable conditions existing there which were exposing the volunteer soldiers to the ravages of disease. "The Widow" has since visited Cuba, Porto Rico and the Philippines and her letters have given pictures of conditions there that have been universally admitted to be faithful and valuable to the general public and official authorities.

It must indeed be gratifying to poor Caleb Powers to find that his cause has won the approval of such noted writers and journals as Samuel Hopkins Adams in McClure's Magazine, Harper's Weekly and "The Widow" in Town Topics. It is an interesting coincidence that Harper's Weekly has had strong Democratic leanings for twenty years and is controlled by one of the leading Democrats of the East; that Mr. Adams says he is and always has been a Democrat, and that Town Topics is owned and edited by an unreconstructed Confederate Democrat from Alabama, whose Democracy is so much a part of his being that it oozes out all over his popular weekly publication, notwithstanding the fact that it is primarily a society and not a political journal.

"The Widow's" article in the current issue of Town Topics is as follows:

A man's life is in peril in Kentucky!

These words cause a careless smile. A few lives—more or less—off in Kentucky ceased, ages ago, to make even a ripple on the surface of our existences—we whose homes are away from that atmosphere, that State and other States of the South, where "a killing in Kentucky" and "as sure as shooting" are everyday earnest and playful expressions of men, women and children.

This man, Caleb Powers, who is condemned to die for the murder of Senator, or Governor Goebel, on January 30, 1900, has spoken for himself in a way few men can speak. We must listen. We cannot smile. He may be guilty, he may be innocent, but he has proved conclusively, according to law and testimony, that he is the victim of political prejudice and not of justice. He has proved conclusively another thing: that he belongs to all of us, to the United States, and that we will be responsible for the next, or for this, murder in Kentucky—God knows how many can take place in the mean time!—unless we, as a nation, demand a fair trial. Not only should there be a fair trial for the sake of the crime and future crimes, but there should be a fair trial for the sake of this man's calm reasoning, wonderful characteristics and intelligence. Kentucky may not feel the need of this man's remarkable intellect, but we as a country need him, and if a fair trial can save him,

something should be done immediately. The Federal government comes to the front to save many lives in riots that are against law. Cannot the government step in to protect this one man from the sentence of death, when the sentence has been pronounced after the evidence and all Kentucky law could not prove his guilt? The evidence is not even circumstantial. Every circumstance proved it an impossibility that this man could be the guilty man. Every circumstance almost named—did name to every intelligent thinker—the murderer.

LEGAL INJUSTICE.

One circumstance only went against Caleb Powers, and that circumstance—to us who live among the strikers and rioters—in its worst impression, would have shown a fearless and open stand for protection for himself and his party. Caleb Powers came down from the mountains with a regiment of "armed" mountaineers. They were called "The Mountain Army." Caleb Powers had spent a year at West Point. He did not bring these men to fight but to petition the Legislature. Every man carries, or is likely to carry, a "gun" in his pocket in Kentucky, and at this time in the fight for the Governorship of the State guns were in sight in buildings and outside pockets. This armed regiment of mountaineers was legitimate, but it was like a red flag to a bull. It seemed either to challenge or to incite fear. It did both.

Caleb Powers was not condemned to death for firing the shot that killed Senator Goebel—I do not call this victim of a cowardly assassin's bullet "Governor," that point being the disputed point which caused the political seething—though he died Governor of Kentucky, and though I am writing without prejudice. Caleb Powers was sentenced by the jury upon the charge of "being accessory before the fact—in other words, a conspirator. A conspirator is considered to work in secret.

The evidence in the Kentucky court failed to prove him a member of any conspiring board except on the strength of his military instinct, which made him plan his campaign of petition to the Legislature with an openly armed regiment of men. The hundreds or the thousands of men were not arrested as conspirators, but the fact was used as a prejudicial point. That guns and ammunition were stacked in the municipal buildings of the Capital City, Faankfort; that Senator Goebel himself went about with a body-guard; that there was talk of shooting Gov. Taylor; talk of killing Senator Goebel, that every man jack of a politician had his artillery cleaned and ready for action, and that a frank, open, armed military protection showed a law-abiding and law-protecting disposition, counted for naught. This regiment meant murder to the ignorant and prejudiced and not a warning or caution against murder. It was "circumstantial evidence," and to the prejudiced, impulsive, unreasoning, Southern tropical mind it was prof-

conclusive. So Caleb Powers had

to stand for that, though he sent his regiment back to the mountains and was on his way to collect a milder looking crowd of Republicans at the time of the murder.

It is not necessary for me to go into the details of the claims of the two men—Goebel and Taylor—for the Governorship of Kentucky; it is not necessary for me to go into the bitterness and hatred and prejudice of the two political parties in Kentucky; it is not necessary for me to go into the details of the farcial trials—the evidence that did not prove, the prejudice that did not convict. All of this has been thrashed out in the newspapers. But we of the North are also prejudiced. Our courts may not be under the control of prejudice, but many of our newspapers are. The newspapers throughout the country were inclined against the armed-to-the-teeth mountaineers. Somebody should suffer for "a killing in Kentucky," and the sentence to death of Caleb Powers was in a measure applauded. The acquittal of Tillman in South Carolina was condemned. We said the Tillman acquittal was a disgrace to the country. He was proved a murderer. Here is a man in Kentucky, condemned to death, who has been proved not a murderer, and has not been proved a party to any conspiracy. If political conditions in Kentucky have sentenced him, why cannot political conditions outside of Kentucky demand a fair trial?

The leader of Democrats in Kentucky was foully murdered. A Republican was arrested. The court was presided over by a Democratic Judge. The officers of the court were Democrats. The jury that condemned to death was composed of eleven Democrats and one Republican. In military courts during the Spanish-American trouble when we had in the field volunteer regiments, Secretary Root ruled that trials by court martial of offenders in the volunteer service should be presided over by officers of the volunteer regiment, that no question of prejudice should arise. In Kentucky a jury composed, in this case, of Republicans would have been as unfair and as controlled by prejudice as the jury composed of Democrats. But should not such a condition—where human life is in the hands of the bitterly hating, prejudiced people, where the laws of the State are put to farcial use—bring the case within the scope of the Supreme Court of the United States? Can any justice-loving citizen of the United States read that speech of Caleb Powers in his own defense and not understand clearly that a crime of injustice has been added to the crime of the Goebel murder?

This speech—which has been published in pamphlet form by L. F. Sinclair, of Georgetown, Ky.—is said to be the greatest speech known in the history of jurisprudence. The accompanying portrait of this young man—thirty-two years old—shows characteristic features and expression that go well with the strength and convincing facts which he puts together in his speech. He speaks of himself in connection with the different circumstances exactly as he would of another man, only he speaks of himself less. What he does say shows a self-respect that does not need

defense. He is just to his accusers, and when he says, "We differ as to who is responsible for his (Goebel's) death," he does not even intimate that he is right and they wrong. He simply falls back upon testimony. He says: "Colonel Campbell (opposing attorney) calls me a star witness," and as such seems to demand that he be believed. He says calmly: "You can believe Mr. Nickell, or you can believe Mr. Hardgrove. Just as you like about it. One or the other of them lied." Then he goes on to prove—by evidence—the testimony of both worthless. He does not plead for himself. He simply takes the law and the testimony, and proves to his hearers that he cannot be convicted on the testimony they have heard. He spoke with adjournments six hours in all. From miles away men and women came. When he finished tears were in the eyes of jurors and everybody in the court room. He won his case. He could not win against the power of money and the power of prejudice; but he made Republicans of Democrats, and he made Democrats with the hatred of prejudice in their hearts hang their heads shamefacedly. Even the men who were determined a Republican should die could not look each other in the face.

When people in Kentucky must go into the highest offices of the State backed by artillery it seems right that the Federal government take a hand from the start, and stand in the way of such injustice being done as stares us in the face now. It is not a question of the guilty ones not being known. They are known, and with a fair trial the demands of the law could be satisfied. Gov. Taylor is protected by the extradition law of Indiana, where he has been shielded since he foresaw the injustice that can be meted out in his own State. The man Youtsey—whose testimony prejudice accepts, though law refuses it—is a self-confessed perjurer and evidently a moral monstrosity, with the cunning of a weak brain that seeks self-protection. He is the man who handled the revolvers, according to his own story, at the time of the murder. Caleb Powers was in Louisville on his mission for a peaceable-looking lot of men with whom to petition the Legislature. There was plenty of this, but this testimony was objected to.

The March number of McClure's Magazine gives a clear-cut unprejudicial statement of facts about the political condition that led up to this murder and the different fractional trials. And I attach an editorial published in a Southern paper and written by Col. W. C. P. Breckinridge, who is a leading Southern Democrat. It is worthy of repetition:

COL. BRECKINRIDGE'S EDITORIAL.

The military court by whom Mrs. Surratt was condemned to be executed for the assassination of Abraham Lincoln, and the Secretary of War who approved that sentence and the President who had it carried out, stand condemned at the bar of the world and posterity as the authors of a judicial murder. If Caleb Powers is hanged this will be the verdict and judgement of the world on those who fabricated the perjured testimony, who suborned the perjurers partly by bribery and partly by promises of immunity and threats of punishment, on those who delivered the testimony, and on the tribunals before whom he was tried and by whom he was condemned. The unreasoning prejudice of excited judgement, will not control that ultimate verdict or influence that settled judgement.

Caleb Powers committed grave

(Continued on second page.)