

87

Frankfort Ky.

June 22nd 1862.

The bearer of this Stapleton Johnston has been living in Arkansas for some time past. He was raised at this town where his Mother (now the Wife of Jacob Swigert, Esq.) now lives. He wishes to Purchase some few articles to take with him amongst which are a few pistols and the necessary ammunition to protect himself against Secessionists, Guerillas and Marauders in the region of the Country where he is going. I believe he is true and loyal to the Government. I hope the U. S. Officers will give him the necessary passports.

J. Harlan

U. S. Attorney Ky District

The Filson Historical Society

005500

One of Taylor's earliest, longest, and most intimate friends in Lexington was Major Barak G. Thomas, owner of the Dixiana Stud, some seven miles from Lexington the old Russell road. He had inherited his love for the thoroughbred horse from his father, B.G. Thomas; and his beorhwe, Judge Charles B. Thomas, for long county judge of Fayette, bred bred Mira, famous as the dam of the great Hymyar. Major Thomas was graduated from old Transylvania University in Lexington, was a fine soldier for the Southern cause, and for more than a generation one of the most picturesque men in Kentucky or the South. He dispensed a wide hospitality at Dixiana, but his famous sign which for so many years stood near the entrance to the place, barred, among others, "sewing machine agents, wire fence salesmen," and other undesirable. This old sign was rescued by the late August Belmont and is may now be seen at the race track at Belmont Park, in Queens County, New York.

Major Thomas bred, owned and raced many famous horses, but the greatest of these was Hymyar, sire of Domino, and founder of ~~xxxxxxxxxxxxxxxxxxxx~~ one of the two most ~~successful~~ of current American lines.

Major Thomas, with his usual gallantry, ~~had~~ a fine daughter of the immortal Glencoe in honor of Mrs Taylor, calling her Lady Taylor. This mare, a bay, was foaled in 1851, and died about 1873. She was out of old Occidenta, by Bertram, second dam being Diamond by Turpin's Florizel, and the next dam by Lewis's Eclipse. I am not familiar with Lady Taylor's racing record, but she appears to have been first mated with the great Lexington, and was returned barren from his court for the three years of 1857, 58, 59. She lost a foal in 1860, but in the next year, the first of the war, she very appropriately gave birth to a bay colt that was called Confederate, sired by In 1862 she dropped another bay colt-foal by imported Eclipse which was named Cambrist. She followed this with three years of barrenness, and then dropped a bay filly, Tahorka, by imported Australian. Talega, another filly, followed, owing Bonnie Scotland as sire. She was barrad to Lexington in 1871 and lost her foal in 1873, the date, of her demise, probably, although the Stud Book does not fix it exactly.

Here is a characteristic letter from
Major Thomas to C. Taylor:

Mr. Roe: Please meet in Chapter
in Taylor biography entitled
"Lexington and Thomas +"

64 = B.
88 = B.
E. H. Taylor, Esq.

Dear Sir

I have just learned that you are still in Frankfort & I have been trying to telegraph you but the d----d operator at Fkt had gone to a picnic.

Gold is so enormously high that I thought I had better get farther orders from you before I ordered it.

I was going to the post office with My letter to *Washington* and learned that Gold was Worth 15 or 20 per cent & therefore I determined to telegraph you at Louisville but have learned that you are in Fkt.

Of course it is none of my business and will order it if you say so but I thought it best to be sure of the thing. You can telegraph me this evening by R R telegraph if you can get an operator as my operator will be in office nearly all evening and I will send order by Morning mail.

Your friend,

B. G. Thomas

July 4th /62

*E H Taylor Jr
Care J C Kyle
Frankfort, Ky*

128800

NEVINS & CO., BANKERS
No. 10 City Exchange

Boston, Oct 7 1862

E. H. Taylor, Esq.

Dear Sir

Your favor of 3 inst is rec'd (dated Cincinnati). I have paid your draft for \$5100 - & have recd from Halliday Bros. dft on Sawyer, Wallace & Co. for \$10,000. The Mich - C R R stock today is worth 88 @ 83 1/2 - Yours was bot 86 5/8 & 87 1/8, the certificates will be ready in a day or two - I shall keep J - Swigert's balance in gold, it will be worth more say 125 shortly - The 4900- left I may put in to gold for the moment before determining its investment permanently. Our choice stocks are so high, I would like to do better for you, & think I can with a little thought & judgement.

Yours truly,

J. P. Marquand.

(Over)

P. S. I have sent you hat. It is a darker color than you ordered, but the weather is cold here & will be with you & you dont want a light hat. Enclosed is the bill - I paid it. The suit of clothes I will order the first time I go to New York - You can have little idea how badly I have been the last fortnight - everything mixed up & cotton all topsy turvey I have straightened it out after a fashion- & have sold in all some 700 bales belonging to the mill - in addition some 200# wool has had attention & our regular banking business in addition - Gold 123 1/2 today. Yrs J. M.
a/c sales 52 bales we will send in a day or two -

88-D
BRANCH FARMERS BANK OF KENTUCKY
Covington, 16 Oct. 1862

E. H. Taylor, Jr., Esqr.

Dear Sir

I have just recd yours 9th & 13th Inst.
The original cost of the Cov. & Lex. R. R. was upwards of \$4,000,000. and was Sold by order of the Fayette Circuit Court to R. B. Bowles, Esqr. to Secure the payment of the 1st, 2d & part of the 3d Mortgage bonds, amounting to the Sum of \$2,100,000 - The amt of the bonds yet to be redeemed is \$1,700.00. The 1st Mortgage bonds are not to be had at any reasonable price. Six per cent is the rate of interest, but few of these bonds in existance Say about \$250,000 - The 2d Mortgage bonds bear an interest of Seven per cent, this issue amounts to \$1,000,000. There is no market price for these bonds, as they fluctuate like every thing now in the market. I have never had anything to do with the 3d Mortgage bonds as the 2d are thought to be the most desirable investment. I cannot give you the monthly earnings of the road as it is now the property of private individuals, but of one thing you may rest assured, that the 1st & 2d are amply secured. As yet I have not been able to find any Far. Bk. Stock for Sale. I know of ten 2d Mortgage bonds hypothicated with a party in Cin: to Secure the payment of a debt, which will have to be Sold in about two weeks. I think I can secure them for you. I am very busy and write in great haste.

Yours -

Thos. B. Page.

Your letter must have been on a voyage around the world.

22000

88-E

ASSISTANT QUARTER-MASTER'S OFFICE,

Memphis, Tenn. Oct 16 1862

Mr. E. H. Taylor, Jr.

Cairo, Ill^a,

Sir.

I have to inform you that no bagging
or rope has been turned over to me, by any of the Officers
who went with the expedition to Randolph, and that I never
herd of [✓]Seen any thing of it.

You ~~are~~ ^{had} better make enquiries of the Officers
who commanded the expedition.

Very Respectfully

Henry S. Fitch

Capt. & A. Q. M.

per Thomas Barrett

Chief Clerk

The Filson Historical Society

RECEIVED
BOND
IN EXCH

25X22

(2) 88 = F

The greater part of ~~the~~ 1862 was spent at Osceola; but the Taylors ^{third} were back in Frankfort before the end of that year because their daughter, Eugenia, who died in infancy, was born in Jacob Swigert's house in that town before the ~~xxxxxxxxxxxx~~ year was ended. The fifth child, and second son, Kenner, ~~xxxxxxxx~~ was born ~~in the~~ in the Swigert house, 15 November, 1863. He and his elder brother, Swigert, were associated with their father in business and wholly devoted to serving him and his large interests to the end of his life. Kenner Taylor was married in Henderson, Ky., in 1894, to Miss Juliet Rankin Johnson. They have two daughters.

Kenner Taylor ~~was~~ named in honor of one of his father's most intimate and most distinguished friends: Duncan F. Kenner (1813-1887), a native of New Orleans, of distinguished ancestry on both sides of his house, ~~xxxxxxxx~~ one of the largest of the Louisiana planters in the years preceding the War between the States his palatial home, Ashland-on-the-Mississippi, between situated on the "Upper Coast" as that strip of the river between New Orleans and Baton Rouge was known in his day and generation. He was a statesman, a sportsman of the highest rank, owning some of the fleetest thoroughbreds of the time, and ente entertaining, in 1846, the most distinguished delin-eator of the thoroughbred horse, E. Troye, who painted Grey Fanny, dam of Grey Medoc, and many of his other horses, the canvases of most which were destroyed ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ by the ~~xxxx~~ soldiers of the North during the second year of the war

famous

Kenner was the first president of the La Sagar Planters Association; president of the States Levee Board; member of the U.S. Tariff Commission; in 1882; and sometime candidate for U.S. Senate but being opposed to the La Lottery he was defeated. He was for many years a member of the State Legislature. The manor house Ashland, was erected in 1841, and perhaps Taylor was often a guest there. The mansion is intact at this time. He also owned a town house in New Orleans; owned the Kenner Block on Carondelet street, and was a member, of course, of the exclusive Boston Club on Canal street. The clubhouse was formerly the home of ~~xxxxxxxx~~ Dr Mercer who is said to have entertained Henry Clay there each year when the Sage of Ashland came down to see a bit of racing at the Metairie course. Legion has it that it was at the Doctor's home that Mr Clay was presented with Magnolia, one of the famous foundation mares of the American Stud Book.

~~xxxx~~ Kenner was wont to spend his summers at Saratoga Springs, New York, and in honor of him the Kenner Stakes was first named and ran for in 1870. This stakes is now known as the Miller, being won for the first time under its new name in 1920 by ~~Man~~ of War.

(Footnote for p. 88 = F.)
Mr. Harry Worcester Smith, of Worcester, Mass., who has been engaged for the last several years in writing a biography of E. Troye, wrote for The Thoroughbred Record, of Lexington, a very fine article on Kenner and ~~his~~ Troye's portraits of Grey Fanny, Grey Medoc, Masie, Pat Golray, and perhaps two or three ~~xxxx~~ others. (Footnote below)

"I remember Duncan F. Kenner. He came on for the meeting of the American Jockey Club at Jerome Park. He always wore a high soiled silk hat and dressed in the ways of a Southern gentleman."

Lexington, Ky..

The ~~Th~~ Thoroughbred Record (8 August, 1923, pp. 66-68, with three illustrations: Grey Fanny, Mr Kenner, and Ashland-on-the-Upper-Coast. A very fine article.

22200

88 = 4.

MEMPHIS

March 3 1863

E. H. Taylor, Jr.

Dr Ed.

I have fought the thing out & can do nothing now. Hough has been willing to do any thing but Mr. Mellen has been here once below and we are forced to wait. The Provost Marshall Gen'l will aid us in any proper way. If the delay is not fatal we may safely rely on accomplishing the object in a short time.

I am going below today.

I am truly

Grant.

Wrote this over

U. S. ?

God knows!!!

00000

the sixth child of the Taylors was Margaret Johnson, born 29 September, 1866, at the home of her father's ~~born~~ brother, John Richard Taylor, near Palmyra, Missouri. She married Philip Fall Taylor.

88-H (88-H)

Edmund Watson Taylor, the seventh child, and third son, was born at Frankfort, 1 December, 1868. He is unmarried. For many years he was connected with his father's distillery. Part of the time he was the firm's representative in New York and the East. He won an enviable reputation by his arguments before Federal courts and before President Taft in 1909 on the subject of: "What is whiskey?" He is also a writing man, having written several dramas. It was through his efforts that ^{the body} the remains of the old Kentucky dramatist and maker of dramatists, William Thop Thompson Price, author of "The Technique of the Drama," and other works, including the authoritative biography of Rev. George O. Barnes, was returned to Kentucky and buried in the State Cemetery at Frankfort. Mr Taylor is still living at Frankfort.

The youngest child of the Taylors was Frances Allen Taylor, who was also born in the Jacob Swigert house in Frankfort, 26 March 1872. She was twice married: first to Pythian Saffell, and, after his death to James M. Saffell. All of Col. Taylor's children are living at this time, with the exception of Eugenia who died in infancy.

When Lee laid down the South's sword in April, 1865, Edmund H. Taylor, Jr was living in Frankfort at the old Jacob Swigert house, which he had ~~just purchased~~ just purchased as a home for his family. His mother and uncle, the old banker, were still happily alive.

2X500

89 ~~1861~~ ~~34~~
as a future business.
For years he had been interested in whiskey, even though he was
still interested in the ~~business~~ ^{and} ~~and~~ ^{and} of cotton. The war over
he formed the wholesale whiskey house of Gaines, Berry and Company,
which was composed of William A. Gaines, Hiram Berry and himself as
the "and Company." They began business ~~about~~ ^{about} April, 1865.
They featured the ~~business~~ wellknown brands of Old
McBrayer, made at the distillery of Judge William H. McBrayer ~~in~~
near Lawrenceburg, in Anderson County, Kentucky, and also the brand
known as Bond and Lillard. Their office was in the city of Frankfort.
This business was conducted for about twenty ~~months~~ ^{months} when the three
partners ~~purchased~~ ^{leased} the Old Oscar Pepper distillery
and began the manufacture of whiskey, as ~~will~~ ^{will} appear.

But ~~he~~ continued his efforts
Taylor ~~was~~ ^{was} trying to make money with his
cotton pool, in which several citizens of Frankfort ~~and~~ ^{and} were
associated with him, of which John Watson was one, ~~and~~ ^{and}
the ~~firm~~ ^{firm} name being Pepper,
R. P. Pepper, son of Samuel Pepper, a brother of ~~the~~ ^{the} Oscar Pepper, and
Berry & Co. --- ~~perhaps~~ ^{perhaps} ~~old~~ ^{old} Oscar Pepper and Hiram Berry, with Taylor
and Watson the "and Company" ~~xxxx~~ But the partners could not apparently
agree as to the proper time to buy cotton, and, more important, the
proper time to sell it; so it was not long until Taylor was devoting
his entire time to Old McBrayer and Bond & Lillard whiskies.

One of his letters to Watson has survived to this time:

Gainesville, Ala.,

August 9, 1865

John Watson Esq

Dear Sir Yours of the 7th ~~in~~ just ~~received~~ recd.

and contents noted. Regret shipment of your cotton to New York as sale
and reinvestment would have paid better, particularly as it was up then
then and down now.

I have shipped 34 and 32 bales of which you are ap-
prised, and since you were here 50 bales more. I hope you may soon meet
meet with luck.

90

~~Handwritten scribbles~~

I am out of money and dispatched you today asking you to send some from Mobile or Columbus. Since yr. letter I find it wont come from from Mobile or ~~and fear~~ fear you may not have it in Columbus. From cotton shipped and sales of B. & Rope I trust soon to be in funds. In mean time if you have any send it, and \$2,800 in gold if possible. I will soon return it.

Yours truly,

Pepper, Berry & Co.

Am ~~pushing~~ contract with all energy, but ~~but~~ ^{factionous} opposition from Planters renders it slow work. Can't tell how it will result. You must always speak of it as a small matter. It may be.

Taylor

~~xxxx's third~~
When ~~Edmund~~ Taylor was born three years after this letter was written ~~xxxx's third~~ and half of his son ~~xxxx's third~~ named his third and last son, Edmund Watson Taylor

Some years later and for a long time John Watson was cashier of the Deposit Bank of Frankfort, which is the Farmers Deposit Bank of to-day. His brother was Dr. E.H. Watson, a leading physian of the town for many years. And when Taylor's third son was born three years after this letter was written, he ~~took~~ named him Edmund Watson Taylor for himself and for Dr Watson. Edmund Watson Taylor was born in a house on Capitol Avenue in south Frankfort, which his father afterwards sold to Hiram Berry.

00522

94 ~~3/11~~ # adventure,

~~Found in the Taylor papers and manuscript, an enluminated~~

script, on and on the reverse side of a piece of wall paper, this notation: "I find a letter from Gainsville, Ala., dated 1866. I suppose, of course, that this refers to another letter from Taylor to Gainsville, Ala., dated in Frankfurt that was interested with him in this ill-starred cotton war combine."

It was also in 1866 that he made his first trip to Europe. He went ~~away~~ for three or four purposes: to see the world, to wind up his ~~last~~ ~~last~~ cotton, to inspect and closely study the processes of the distillation of whiskies, to see the world, and to make some purchases. The following letter -- the sole surviving bit of documentary evidence of his trip -- reveals:

Paris Aug 20/66

Mr Taylor

Dr. Sir

My wife bought the linen &c in London for you, & I told Mr W

He ~~didn't~~ ~~was~~ ~~at~~ ~~the~~ ~~good~~ ~~time~~ ~~which~~ is not yet fixed at this time. He was lavishly entertained in Liverpool by the old established firm of Allen, Gholson & Company, who were in offices at 31 The Albany, which were his European headquarters *

The sole surviving bit of documentary evidence of his European experiences appears to be the following letter:

Paris Aug 20/66

Mr Taylor

Dr Sir

My wife bought the linen &c in London for you, & I told Wm Spottin & Co No 7 Milk street, to send it to A.G. & Co. [with Bill & c.]

I enclose Bill of purchases made for you here, & send the articles t by Express to A G & Co from whom they will collect freight & charge 3 francs fro packing. I am sorry you did not come while we are in Paris---leave in few hours for Switzerland, & will be gone a week

Gr haste

Yrs truly

J.J. Murphy

or L.J. or S.J. (which?)

Enclosure:

Mrs Murphy

Bought for Mr E H Taylor

2 silk dresses 11 yds each, extra width
at 184 1-2 francs each 369,00

2 silk dresses 12 yds each, extra width
at 175 1-2 francs each 351,00

4 yds black velvet 94,00

3 collars 17,00

Francs 831, 00

Paid by S.J. Murphy & paid 1/2% Bank & Exchange commission for money

Mailed in Paris on 20 August, Mr Murphy's letter arrived "at London 24 Au 66;" and "at Liverpool Au 25 66."

Quite evidently, Mrs Taylor and the children were left behind in the "States"! But Mrs Murphy appears to have filled the bill, and to have extended it.

Of course these were a few books in which the manufacture of whiskey as practiced by the ancient distillers of Ireland and Scotland were outlined and explained, books that T

Went a
bust
Terminate

[Allen,
Gholson
& Co.]

95 ~~34~~ ~~12~~ ~~12~~ I

The Filson Historical Society

Notes
Jesse
Allen
Envelope

~~scribble~~ ~~scribble~~ ~~scribble~~ ~~scribble~~ ~~scribble~~

Taylor could probably have procured, but that was not his way: he wanted to go and see the processes at first hand. Then he could understand them thoroughly. This he did.

From London, Liverpool, and Paris he went to Ireland and to Scotland. And in the Highlands and in Dublin particularly he saw distilleries ~~thousands~~ in operation more than five hundred years old. He took notes; he saw; he ~~contemplated~~; he reflected; he asked more than a million questions of these distilleries distillers who were the sons, grandson, and great-grandsons many times removed of the first distilleries of Ireland and Scotland. ~~When he came~~ When he ~~came~~ turned his face westward ~~again~~ in the early autumn of 1866 his ~~mind was~~ head was filled with ideas which, ~~once~~ again in Frankfort for the Christmas of that year, he lost little time in putting into practice in the old Oscar Pepper plant. It was not long

It was not long, ~~in~~ now, before those friends he had made in Europe heard again of Taylor of Kentucky; ~~and~~ shortly thereafter of "Old Taylor;" and ~~by~~ in less than ten years afterwards subsequent to his ~~first~~ pilgrimage ~~in~~ aboard he was everywhere recognized as the typical fine distiller of the "States."

I found the ~~letter~~ letter "dated Sep. 26 at Frankfort," that "H.W." noted on his wall-paper memo., already mentioned, signed John

Section of the River had
snatched Pepper, Bay
Co. and Pepper & Co. to
and written by Taylor.

after less than
60 days, ~~with~~
very about 40
a 50 days, in

Chapter

Book A and Europe

00000

98

~~xxxxx (35)~~

Chapter

Whiskey

The first Bourbon whiskey was made in 1789 ~~xxxx~~ near Georgetwon, in Scott, county, Kentucky at the Royal Spring fulling mill. Thus chronicles Y Collins in his magnificent masterpiece, the History of Kentucky. This was three years before Kentucky was admitted into the sisterhood of States. In 1781, Collins adds, whiskey was selling in Hefferson County, of which Louisville is the county-seat, for at fifteen dollars the half-pint, and corn (what we know as moonshine, or white whiskey in these prohibition days), was ten dollars the gallon.

James Crowe, a Scotchman, came to Kentucky in 1835 and located on the Woodford County line near the mouth of Glen's Creek, ~~Glenn's Creek, in Franklin County~~, where he began making whiskey. He was a ~~scientific~~ scientific distiller, specializing on his brand, "Old Crow," which became famous. "Old Crow." This whiskey he continued to make until his death, in 1856. He is said to have been the first distiller in the world to use the hand-made sour mash process with the use of spent beer or slop, which owing to its acidity originated the term "sour mash."

~~Franklin County~~ One of Crow's contemporaries in Franklin County was Lewis R. Major, acting Sheriff of the County, who owned a fine farm four miles from Frankfort on the Lexington pike---~~in~~ years afterwards ~~an~~ the home of Col. Charles E. Hoge, president of the State National Bank in Frankfort---on which he had a horse-mill and distillery, ~~xxxxxx~~ with a daily capacity of one barrel. But Major, pioneer bootlegger, did not long survive after the citizens of Franklin became acquainted with "Old Crow."

005720

~~(35)~~ ~~the manufacture of whiskey~~ while living in Lexington had often
no doubt,
been amused, by this quaint advertisement in the Observer & Reporter:

Keen Coffee House
Three doors Below Boardman's Corner
Water street

Call around and try the old Adams Whiskey(~~denxxxx~~ now owned by
H.T. Jones at Bradley's Iron Store) the only genuine pure whiskey in
town.

We also keep the best Empress & Fig Leaf Tobacco in the city
and the best 5 c & 10 c cigars in the State, and extra common cigars
at one ct each.

John GShanly.

Another advertisement in the same paper ran like this:

Copper Stills

Copper Stills

Of all sizes on hand and Distillery works of all
descriptions made to order.

Bridgeford & Co.,

66th street bet. Main & River

Louisville, Ky.

005500

~~xxxxxx~~ 35-XC) In Jan. 1839, the county court of Lewis county, under the statutory authority to fix and the rate o of charges at taverns for meals, lodging, liquor, and stable fare, fixed a tariff of charges and progprohibits the sale by groggeries at a greater price than two cents for a half pint, under certain penalties; brandies and other liquors in proportion. Many men abandon the business as unprofitable---"the consummation devoutly wished" and intended."

100

~~In the district court of the United States, Western Ken-
tucky, a writ of habeas corpus was tried in 1909
by W.A. Gaines and Company, of Frankfort, Kentucky.~~

In his most excellent brief for the appellants in the cel-
ebrated action of E.H. Taylor, Jr. & Sons, v. Marion E. Taylor, ^{alleging piracy,}
William McKee Duncan, ~~attorney at law~~ *states:*

"The genesis of the business, which plaintiff is con-
ducting, was when E.H. Taylor, then a young man, in 1865, at the
close of the Civil War, began to manufacture whiskey on Glenn's
Creek, in Woodford County, near the city of Frankfort, and during
two years time he built the Old Crow and Old Oscar Lepper distil-
liers on that creek and conducted their operations as a apracti-
cal distiller. This date of ~~xx~~ beginning, 1865,
" ~~xxxxxx~~ does not square with the dates de-
tailed in the deposition of Col. Taylor, in 1909. ~~the~~
~~xxxxxx, Col. Taylor, in 1909, the date of W.A. Gaines &~~

~~xxxxxx~~ in an action ~~xxx~~ filed in the Circuit Court of the
United ~~State~~ States, western Kentucky district, Owensboro di-
vision, ^{by W.A. Gaines and Company,} asking for an injunction to prevent the Rock Spring Dis-
tilling Company, from making use of the name and trade-mark of
"Old Crow," Col. Taylor, in ^{his} ~~an~~ affidavit ^{made} ~~given~~ at Frankfort,
17 November, 1909, ~~xxxxxx detailed xxxxx~~ fixed the
date of his ~~begin~~ beginning as a distiller as "January 1, 1867."
This ~~affidavit~~ affidavit is of great value, as it relates in his own
language the ~~gan~~ true "genesis" of his entrance in the business

00550

(33) ~~1501~~ D. 101

~~for an injunction to prevent the~~
~~the Rock Spring Distilling Company, of Frankfort, from making use of the~~
~~trade mark~~
~~of the name and brand "Old Crow," and they should their lead their~~
~~they presented to the court the affidavit of~~
~~"ace" when the said Col. Taylor was the owner of the said brand~~
~~given at Frankfort, 17 November, 1909, in which he testified that~~
~~the thing of interest to the court is that in his own language,~~
~~he~~
~~gives the following~~
~~his own beginnings as a distiller in Frankfort,~~
~~a business that he was to follow zealously to the day of his death.~~
~~the business of~~ the distillation of the finest Bourbon whiskey
that could be produced of the most excellent corn of the country of
which he was to be henceforth a leading citizen, the land of the Blue
Grass, down in Old Kentucky:

"~~That~~ From January 1, 1867, ~~I have~~ ^{I have} been engaged in the business of
distilling whiskey, and to some extent in the wholesale whiskey business.
^{I have}
~~and~~ a general acquaintance with the whiskey trade in the United
States. ¹ Prior to January 1867 ~~was~~ ^{was} for a number of years engaged
^{the} in banking business at Frankfort, Ky., in Versailles, Woodford County,
Ky., and in Lexington, Fayette County, Ky. ^{At that time} ~~that~~ there lived in Woodford
County a Scotchman, ~~named~~ James Crow, who was a skilled distiller.
The whiskey distilled by him had a high reputation for its excellence,
^{being}
~~and~~ spoken of and called "Old Crow Whiskey" or "Crow Whiskey" ~~1~~ ¹
~~For~~ ^{"F"} For many years before the Civil War ~~and~~ James Crow had been
and was distiller for Oscar Pepper on Glen's Creek in Woodford County,
Kentucky, until a short time before he died. ~~He~~ ^{He} had assisting him

1/ Fostale - P. 36 - B. "Oscar Pepper"

20000

Journal of the ... under ...
... made at Oscar Pepper's dis-
... William F. Mitchell, was straight
and was generally known in the community as

the Spring of 1865, and the firm of
composed of W. A. Gaines, Hiram Berry and
been his distillery property for three years
Crow having died some years before that time,

any employed William F. Mitchell as their distiller
1867 commenced and conducted at ~~the~~ ^{the} distillery the man-
Whiskey: ~~the~~ ^{this} whiskey made by ~~the~~ ^{this} firm was called "Old
and every package of it so made from January 1867 was
Crow Distillery Copper Distilled Whiskey, Gaines, Berry &
Co. Distillers, Woodford Co., Ky." *

"The same firm leased and ran another distillery, on the same
Creek, which the same high grade of whiskey was manufactured, and
package of whiskey there sold was also branded with the same brand
trade-mark, with the exception that the name of W. A. Gaines, instead
Gaines, Berry & Co., was used as the distiller. ~~the~~ ^{this} firm continued
the use of those brands or trade-marks at those two distilleries for
nearly three years. ~~the~~ ^{they} Having purchased a tract of land on the same
Creek, not far from the distilleries above mentioned, they erected there-
on a fine distillery to which they gave the name of "Old Crow Distillery";
and in 1869 transferred their business of distilling on Glen's Creek to
this new site, where they and their successors, continued the manufacture
of whiskey, — ~~used~~ ^{they} the same brands ~~as~~ ^{had} William F. Mitchell as the
distiller there. ~~the~~ ^{they} about the time of the completion of this new
distillery, that property and the trade-marks and brands were transferred
to the new firm of W. A. Gaines & Company, which firm had as its members
those who had constituted the firm of Gaines, Berry & Company, and in
addition M. J. Allen, Sherman Paris, and Frank S. Stevens. ~~the~~ ^{After-}

~~the~~ ^I sold ~~my~~ ^{my} entire interest in ~~the~~ ^{this} firm and its business,
brands, and good-will, to M. J. Allen, Frank S. Stevens, and
George Allen, who then became a member of the firm. Afterwards

myself

and G. C. Drane and ~~myself~~ were appointed as administrators ~~of the estate of W. A. Gaines~~ Drane and ~~myself~~ sold Gaines' interest in the distillery property and the trade-mark and other interest in the partnership to the surviving members of the firm of W. A. Gaines & Company. ~~Afterwards the partnership of W. A. Gaines & Company became incorporated as W. A. Gaines & Company.~~

"The firm of Gaines, Berry & Company, and the firm of W. A. Gaines & Company, and the incorporated company W. A. Gaines & Company, successively, have always manufactured high grade straight whiskey, and successively and continuously have used the trade-mark and brand "Old Crow" from January, 1867, until the present time. ~~Each~~ Each package of whiskey was branded "Old Crow" in the manner before described, and the object was to identify the goods as that manufactured by such firms and corporation at their distillery, ~~and the goods of said firms and company~~ ~~and have been largely advertised on their letter-heads, bill-heads, packages, and literature of different kinds distributed to the trade throughout this country and abroad, and in expensive show cards and advertisements in the trade journals, at the cost of many thousands of dollars; and the same is held and regarded as, and is, a high-grade straight whiskey and sells at the top of the market.~~

"The trade, with which ~~the~~ *it is* familiar, recognizes ~~the~~ *the* Old Crow whiskey universally as the product of W. A. Gaines & Company at their Old Crow distillery on Glen's Creek. ~~The use of the name and trade-mark "Old Crow", as applied to their whiskey and to their distillery on Glen's Creek, was done by the firm of Gaines, Berry & Company, and by W. A. Gaines & Company, both as a firm and afterwards as a corporation, with the knowledge of Oscar Pepper's widow and children and without objection on their part; and subsequently James O. Pepper, the son of Oscar Pepper, denominated his father's distillery, which he ran, as the Old Oscar Pepper Distillery and the product as "Old Oscar Pepper" whiskey, and ~~the~~ *the* distillery and its product continued to be so designated by Albert Graham, who succeeded in the ownership and operation of the distillery, and is now so designated by L. Labret, the present owner."~~ *it*

22506

In 1869 Taylor had an interesting, though brief, experience
as guardian of James E. Pepper, son of old Oscar Pepper, and ~~with~~
with whom he was afterwards in business. Years later James E. Pepper
became widely known as president of James E. Pepper and Company, dis-
tillers, of Lexington, "Old Pepper being born with the Republic." Pep-
per also had some success on the American turf. I found the in the
records of the WoodfordCounty Court a record of this matter:

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State of Kentucky,

August Term, 1869.

Woodford County Court:-

September 24th, 1869.

James E. Pepper, a Minor over the age of fourteen years Son of Oscar
Pepper deceased this day personally appeared in Court and nominated
E. H. Taylor Jr as his Guardian and it is now ordered that said nomi-
nation be affirmed by the Court and that said E. H. Taylor Jr be and
he is hereby appointed Guardian of said James E. Pepper whereupon the
said E. H. Taylor Jr appeared in Court and took the oath required by
law and entered into and acknowledged bond to the Commonwealth of Ken-
tucky as Guardian aforesaid conditioned according to law and time is
given William A. Gaines his surety to sign said bond.

State of Kentucky,

September Term, 1869.

Woodford County Court:-

September 27th, 1869.

William A. Gaines surety of E. H. Taylor Jr Guardian of James E. Pep-
per this day personally appeared in Court and signed said Guardians
bond and said bond is now accepted and approved by the Court.

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(3(9)

E. H. Taylor, Jr., Guardian of James E. Pepper

In acct. with said Ward.

.....

Sept. 24, 1869.	To amt. R.P. Pepper order on Mrs. Nannie Pepper	\$ 606.42
"	amt recd of R.P. Pepper late Guardian	121.54
" " " "	R. P. Pepper	25.00
Feb. 19, 1870	" " " " J W Mastin for rent of 1869	317.85
Augst. 13	" " " " W. G. Davis " " 1870	415.00
		<u>\$1485.81</u>

Credits

Feb. 19, 1870	" " paid Ward	No. 1, \$317.83
" " " "	Do.	2 415.00
" " " "	S.S. Darneal clk W. ct. fee bill	
		No. 3 1.95
"	Amt. PAID Wards note to R.P. Pepper interest calculated on 4	
	\$250, from June 1. 1866, to Sept. 24, 1869, (\$48.23	
	and on \$151.99 from Sept. 24th, 1869, to May 27th	
	1871 (\$15.19)	<u>\$313.72</u>
		\$1,048.52
"	" recd. by Ward on R. Peppers order on Mrs Nannie	
	Peppers see receipt	5 606.42
"	" pd clk W. ct. court for recording this settlmt.	
		1.50
"	" Judge for making same	<u>3.00 \$1659.44</u>

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\$ 175.63

I, Wm. W. George, Presiding Judge of the Woodford County Court do certify that I this day stated and settled the account of E. H. Taylor Jr. Guardian of James E. Pepper and filed it as stated in the above account, the Guardian being charged with \$1485.81 and credited by \$1659.44 leaving a balance due from Ward to Guardian of one hundred and Seventythree 63/100 dollars, all of which is respectfully submitted.

Given under my hand this 27th day of May 1871.

Wm. W. George, Presiding
Judge Woodford County Court.

The Filson Historical Society

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1221

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State of Kentucky,

October term 1871.

Woodford County Court.

The foregoing report of a settlement made with E. H. Taylor Jr. Guardian of James B. Pepper having been returned and filed at the last Term of this Court and laid over and continued until the present term for exceptions and no exceptions having been taken thereto said settlement was approved and ordered to record.

Attest.....Sam S. DarnealClerk

The Filson Historical Society

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~~Footnote~~ 481
Chittenden
Chittenden

~~xx~~ The Col. Taylor did not mention in his affidavit that the more than bonded warehouse of Gaines, Berry & Company, with three thousand barrels of whiskey was burned on the night of 2 April, 1869, the lost being about three hundred fifty thousand dollars mostly covered by insurance.

~~xxxxxxxxxxxx~~ History

I have combed from Collins and elsewhere a few whiskey facts that should served as additional background to Col. Taylor's remarks. For instance, there was, in 1853, a great falling off in the manufacture of Bourbon whiskey; but ten years later four counties of northern Kentucky within three months produced ~~more~~ in excess of two hundred thousand gallons of whiskey, paying the Government nearly forty-three thousand dollars in taxes thereon; 21 December, 1864, Congress enacted a law taxing all whiskey manufactured after 1 January, 1865, \$2 per gallon; the stock on hand not to be taxed; on 1 March, 1867, Col. Robert M. Kelly, Revenue Collector at Louisville for the 17th district (which included Bourbon and other counties) reports 539,986--1--4gal- longsof whiskey made in his district between 1 February, 1866, to 25 February, 1867, and that the ~~tax~~ tax of \$2 per gallon thereon amounted to \$1,079,972.

Col. Taylor might have said that, during the month of March, 1868, there was still in Franklin County, 17,477 gallons of Bourbon whiskey; in Bourbon and Nicholas counties 115,825 gallons; in Fayette and Clark, 32,578; in Scott, ~~and~~ Woodford, Boyle, Lincoln, and Jessamine, 80,565 gallons.

I should have liked to listen to his account of a very interesting event of 30 May, 1868, when Lee C. Smith, through Captain Frank Bedford of Bourbon county, presented to the Hon. James Birnie Beck, the

00000

1110

Kentuckian,
dear old Scot who became a distinguished ~~Kentucky~~ then representa-
tive of the old Henry Clay or Ashland district in the lower House of
Congress, in compliments to Beck's services to his people, pre-
sented him with a bottle of Bourbon thirty-one years old! ~~and~~ I am
glad this presentattion took place, anyway ~~it gives some idea~~ even
though though Col. Taylor's account of it is not extant ~~it~~
sents the opportunity to reproduce a letter from Beck to Taylor
although I am not at all sure what it means. It is inked, well-
nigh indecipherable, and not as transparent as it might have been.
However here it is.

Beck's Letter Reproduce in facsimile

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When his father, George Berry, died early in 1870, he inherited the interest in the business of distilling which his father had followed in his time. Col. Taylor, as he is called, related in his deposition, sold his interest in Gaines, Berry and Company, and W.A. Gaines & Company, to M.J. Allen, Frank S. Stevens, and George H. Allen, which left him, as they actors say, "at liberty." But he was not long in looking around for another entrance into the business of distilling.

Having heard in the late autumn that William H. McBrayer, the Lawrenceburg distiller, was in a bad way financially and was anxiously seeking a partner with actual cash to join him in the manufacture of whiskey, Col. Taylor wrote him a letter, which elicited the following reply:

Non-Conf.

8. Distillat distille in
distille

Hisbese

02X-000

~~I xxxxxxxx xz7xz8zx;xc6lx zxxz yzzx zc8y fczx zxz8 fzxxx~~,
~~xxxx kzkexz zxbz fczx gzzkz; zyxz xzxfz yz, xxxlxxx~~
~~xzcdicamscz zmlz xzxz lmg xozz hlsz xzmz lx zszx zxyz~~

10 NOV. , 1870

Frankfort

Your letter to hand. Ist I owe the Gov.

I am ruled by two store keeper.

I am operating with one house near 3 bbs per day, I am ready to start up the 2nd with the two houses near 15 bbs per month will be near the capacity I have now on hand near 70 bbs. I would like to sell to parties who would apay the Gov debt for me now, '8 I will make that amount of whiskey on the closing part of the contract

My corn in the mill shelled will cost me near 60cts per bushel

I have given you all the facts & if you and your friend can make

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make anything out of it I would be greatly relieved to make some terms with you at an early day.

I have several propositions out & am so overwhelmed with the gov taxes & will be forced to accept the first offer that will give me safety & ease of mind. I have communicated to you fully & you can come very near knowing what the cost of manufacturing will be bearing in mind that one half of my grinding is by horse power.

If you think there is any chance to agree on terms, bearing in mind ~~the~~ the \$11-M advance, come up at once or indicate a desire & I will come to see you.

I again repeat I cannot leave anything open, may sell any hour.

Please let me hear from you.

Your friend

W H McBrayer

(17 Feb 1863) below

Judge William H. McBrayer, son of Andrew McBrayer, was born near Lawrenceburg, 10 December, 1821, and died there, 6 December, 1888. He came of pioneer ancestry, of course, and, after receiving a sound education in the Anderson County schools, he became a merchant, in 1840, and continued in that business for thirty years. ~~Just when he became a distiller is not known, but probably at the close of the Civil War..~~ He represented his county in the Kentucky Senate from 1859 to 1863. He was elected county judge of Anderson in 1851; and to the Kentucky Senate in 1859, where he served ~~until 1863~~ four years. He was a Mason, a Presbyterian, and a liberal promoter of Old Central University at Richmond. Judge McBrayer was "of a fine person and address, a genial and social disposition, and possessed of cultured intelligence, he ranked among the solid men of influence of Kentucky.." Judge McBrayer called his whiskies "Cedar Brook," and "King of Kentucky."

005825

Chapter -

~~Coleman Taylor~~ On the very day he received this letter,
12 November, 1870, there was lodged for a record in the office of
the County Clerk in Frankfort the following deed, :

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See O.F.C.

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This deed revealed three things: Col. Taylor had severed his connection with ~~xxxxxxx~~ W.A. Gaines & Company; had decided not to do business with McBrayer; ~~xx~~ and had embarked upon his career of distiller single-handed---unless that "frined" McBrayer mentioned was had joibed hands with him~~xxx~~, which we do not think likely~~xxxxxx~~. He named his new distillery the O.F.C.--
Fire, or ever afterwards
"Old Fashioned Copper"---an ab~~o~~breivation of his famous shibboleth
"Hand made sour mash fire copper whiskey."

~~His old friend, Samuel I.M. Major, wrote of "E.H. Taylor, Jr and his new enterprise in the issue tri weekly Yeoman, for Thursday, 17 November, 1870.~~

Way down in Old Kentucky, where the silvery waters
flow,
Where the softest breezes blow and the richest grasses
grow,

There is much to charm the heart of man, as all her
sons agree,
Though they seem to take their greatest pride in
O. F. C.

Kentucky's Blue Grass region is the garden spot of
earth,
It has never known a dearth and each house is filled
with mirth;
And her people are as happy as a people well can be,
For besides their other blessings they have
O. F. C.

Her women are the sweetest and her cattle are the best,
Honest, this is not in jest, so just take it with the rest;
And her mile-a-minute horses spread her fame o'er land
and sea,
And 'tis said the Czar of Russia drinks her
O. F. C.

His old friend, Samuel I.M. Major, Jr., wrote of "E.H. Taylor, Jr., and His New Enterprise," in the tri-weekly Frankfort Yeoman, for Thursday, 17 November, 1870x, as follows:

20552

Mr. E. H. Taylor, Jr., late of the firm of W. A. Gaines & Co., whiskey manufacturers of this place, has purchased the distillery property a mile and a half below Frankfort, on the Kentucky river, known as "Swigert's Old Distillery." This distillery has been idle for several years past, but its product previously, under its several managements, has acquired merited celebrity with dealers and connoisseurs of Kentucky's favorite beverage. Here at home, where its excellence was best known and duly appreciated, it has been sought after and used in preference to any other brand in this district, the seat of the best manufacture of bourbon and copper-distilled corn whiskey in the United States. Often heretofore, confessedly under the worst possible management both as to manufacture and sale, it has always commanded higher prices here than other brands. References might be made to all the whiskey dealers in Frankfort and to others abroad, as well as to private gentlemen, who can testify to its excellence. Capt. H. I. Todd has had whiskey from this distillery which he esteemed equal to the best ever made by Mr. Crow himself, and Maj. B. G. Thomas, of Lexington, now has a few barrels from these stills in his private stock, which is acknowledged superior to any other whiskey in that city. But enough of its reputation.

The best chemists, in analyzing other ingredients as well as the properties of water used in distilling whiskey, agree that the qualities of the water take the first place in the manufacture. The best whiskey in England, according to the celebrated Professor Muspratt, is made at the Bush Mills, near the Giant's Causeway, in Ireland, manufactured exactly as Mr. Taylor proposes to run his distillery; and the Professor attributes its excellence to the purity of the water. Mr. Taylor's distillery is supplied by an ample and never-failing spring of the purest limestone water running out of one of the hills overhanging the river, and no river water is used.

Abroad in the North and East a number of grades of whiskey, including even the best with some of the worst, which are really half steam whiskies, are known only as "Bourbon whiskey." Here at home most of us know and appreciate the difference between *sour* and *sweet* mash. In the latter, which is the article generally in trade, and much of which is really good, the process of fermentation in the beer is hastened by steam, and much of the boiling done by steam; while in the manufacture of the former, which is such as old Crow himself made, not far from this place years ago, the mash, put in a number of very small tubs and worked by hand, was left to ferment by the slower process of nature, and the contents of the several stills, all copper, were was boiled over an open wood fire, no steam or deleterious drugs being used to hasten fermentation. The government regulations, based upon a thorough understanding of this difference in manufacture, require that a much larger amount of whiskey to the bushel of corn shall be reported from the sweet mash process than from the sour. And it is scarcely necessary to state that if too much spirits are extracted from the bushel of corn the result is an execrable article. Mr. Taylor informs us that in a few days, required to repair the property, he will commence manufacturing, making his daily mash in 60 small tubs, a bushel of grain to the tub—the government regulations requiring him only to make two and a half gallons to the bushel, because his singling and doubling are both done in copper, and the fermentation had by the natural process. The mashing is to be done by hand—the beer singled in copper, and these singlings doubled in copper over an open wood fire—the product being known as "HAND MADE SOUR MASH FIRE COPPER WHISKEY." The necessarily limited supply of this grade of fine whiskey, and its conceded superiority, always commands for it a ready sale and liberal price. This fact, coupled with Mr. Taylor's reputation as a dealer, his experience and intelligence as a manufacturer, and his sagacity and energy as a business man, will insure him complete success in this new enterprise. We bespeak a little of his first manufacture at this distillery for our own private use.

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No steam
no chemicals

"
"
"
"

EX-500

(Facsimile)

~~588~~

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(freemian) 53-e

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The Filson Historical Society

The Mayor of Frankfort

"I was Mayor of the City of Frankfort for fifteen years ~~at~~ at a paltry salary," Col. Taylor ~~often~~ declared in ~~speaking of his services to~~ ¹⁹⁰⁴ ~~his people~~. He was ~~originally~~ first elected Mayor in 1871 and served until ~~1891~~ 1891, with the exception of two terms. ~~where~~ In the very midst of his activities in launching the O.F.C. Distillery, he was plunged into the maelstrom of municipal politics and it required two decades for him to extricate himself. ~~from that position~~. He often resigned, but was just as often re-elected. When he discovered that the people of the "sweet old town," as Judge James H. Mulligan was wont to characterize ~~Frankfort~~, would not take his resignations seriously, but would elect him at the election following his resignation, ~~he~~ ^{return him to the office} and, in the event the regular election did not come around soon enough to suit them, would hold a special ~~blank~~ election, and put him in again, he hit upon a plan that could not be beaten: he moved outside the city's gates. He was the only Kentucky Democrat of record that ran from and not for office. May his tribe increase.

When Col. Taylor was first elected Mayor he was living in the Jacob Swigert residence which he had purchased on 1st street, in the house that he had erected *706 1st*
~~business and which he had purchased in 186- corner~~
rented *he*

Here he resided for 22 years, ^{from 1864} which he had purchased and which remained his home for the next twenty years. *on 1 small lot he lived 1850-1872.*

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In 1871 when Mayor Taylor went into office, John W. Stevenson, (1812-1886), who had been elected lieutenant-governor with John L. Helm as Governor, ~~was~~ ^{he} was chief executive of the Commonwealth, having succeeded to the Governorial ~~chair~~ ^{chair} in September, 1867, as Helm died five days after taking the oath of office, ~~and Preston H. Leslie was Speaker and, when the legislature convened in January, 1871, Preston H. Leslie was chosen Speaker~~ ^{he} ~~and ex-officio lieutenant-governor. When Gov. Stevenson~~ ^{Gov. Stevenson} ~~Stevenson~~ was elected governor in August, 1869. When the ~~leg~~ legislature convened in January, 1871, Preston H. Leslie was chosen speaker and ex-officio lieutenant-governor; and when Stevenson resigned ~~later~~ ^{he} in 1871 upon his election to the U.S. Senate, Leslie became acting gov. And in the same year, as the Democratic nominee for Gov, ~~Leslie~~ ^{he} defeated John M. Harlan, of Franklin County, Republican, who, six years later, was sent to the U.S. Supreme Court. Leslie afterward moved to the ~~young State of~~ Montana, where he was elected Governor of that young Commonwealth.

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In its legislative director The Daily Kentucky Yeoman for Thursday, 19 Jan., 1871 announced that Representatives Ben Hardin, Thomas M. Hays, James Kilgore, and Alfred T. Pope were living during the legislative session at the home of E.H. Taylor, Sr. Although Ben Hardin was said to be a member of the household of E.H. Taylor. This, of course, was a mistake in that it should have been E.H. Taylor Jr or E.H. Taylor Sr. The banker uncle and the distiller nephew were, of course, residents of Frankfort at this time. But

The ~~Frankfort~~ attorneys advertising in the Yeoman at this time included: Phil Lee and D.M. Rodman ~~of Louisville; Thomas E. Bramlette~~ associated as Lee & Rodman, of Louisville; ex-Governor Thos. E. Bramlette and R.T. Durrett, Bramlette & Durrett, of Louisville; Lysander Hord, John and J.W. Rodman, P.U. Major, W.L. Jett, T.N. & D.W. Lindsey, George W. Craddock & S.F.J. Trabue, of Frankfort. These men are among Kentucky's most distinguished lawyers.

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in the issue of

~~835~~

~~Footnote: Mayor Taylor elected 1871:~~
The Daily Kentucky Yeoman, 19 January, 1871 "picked up"

this complimentary notice from The Lexington Daily Press of 19 Jan 1871

flattering

At the recent municipal election in Frankfort, although it was one of the most exciting contests ever held in that city, E. H. Taylor, jr. candidate for Mayor, received all but sixteen of the entire number of votes cast for City Council. This emphatic and gratifying expression of popular confidence in his great social worth and integrity as a citizen, and the high estimate placed upon his rare tact, experience and unsurpassed qualifications as a business man, is a tribute seldom bestowed on any man in this day. but all who know Mr. Taylor—and he has numerous friends, made during his residence in this city some years ago—will readily concede that he is eminently deserving of this or any other favor within the gift of his fellowmen.

And since the vote approaches so near to entire unanimity, we suggest that the people of Frankfort, as soon as possible, proceed to declare him unanimously elected.—Lex. Press.

Footnote
not to

This year of 1871 was rather exciting for the citizens of Frankfort and Franklin County. The Ku Klux Klan ~~were~~ flarried up, as it does from time to time; and ~~xxxxxx~~ on the day that Cole. Taylor was elected Mayor there was a miniature race war staged. One man was killed, three were seriously wounded and several other slightly wounded. Feeling bet between whites and black races ran high that hot summer, the climax coming at the August election, when ~~xxxxxx~~ Captain William Gilmore and Silas N. Bishop were killed, two patrolmen were seriously wounded, and several other white citizens injured by rocks hurled by the negroes. When the polls closed the negroes were lined up on the north side of the L & N railroad tracks on Broadway, the whites on the south side. Firing began immediately. On this occasion Mayor Taylor acted with characteristic dispatch. He ~~immediately called out~~ first tried to get the services of the State militia, and, failing in this attempt, he took personal charge of the police and other who would join him in subduing

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in ~~re~~ subduing the negroes and restoring order in the city. He succeeded in landing the only negro wounded in the battle, Henry Washington, in jail, who was accused with having killed Captain Gilmore. ~~He~~ ^{or George} Washington found ~~in~~ ⁱⁿ jail, Johnson having ~~joined~~ ^{joined} Harrison Johnson, another negro, who had been arrested a few days before for assaulting a white workwoman. ~~in jail~~ That night a mob overpowered Mayor Taylor and his little army, took both of these negroes from the jail and hanged them to a tree on the other side of the Kentucky river.

Col. Taylor was re-elected Mayor in 1873. At that time the city was in such straits for ~~find~~ ^{funds} to pay its employees, including the police and firemen, and was really unable to pay the interest on its bonded indebtedness. It could not make any arrangements with the banks so there was nothing left for the Colonel to do but to come to the old town's rescue. This he did, for three years maintaining its wobbly credit by personally paying all of its obligations.

He was again made Mayor in 1877, defeating Col. Samuel I.M. Major, by a majority of ~~xxxix~~ a single vote. In June ~~thex~~ Col. Taylor resigned and Col. Major was elected.

Col. Taylor was again elected Mayor in 1879. He joined vigorously with Judge Lysander Hord and others in enlisting the services of James B. Beck, J.C.S. Blackburn, John G. Carlisle Carlisle, Judge Milton J. Durham in securing ~~appropriation~~ Federal aid for the improvement of the Kentucky river. Judge Hord's bill was passed the following year, It authorized the Federal government to improve the river with a system of locks and dams, and fixed Judge Hord's fame as "the Father of Kentucky River navigation." But there has been a steady decline in traffic on the river since the United States took control. This is due, according to some persons, because of increased railroad and motor truck facilities, rather than from any ~~failure~~ flaw in the Government's control. ~~xxxxxx~~

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(53---D)

During this administration of the affairs of the city, the Mayor took an active interest in the improvement of the turnpikes of Franklin County, aiding in the rebuilding and building of a number of the mu main traveled ~~roads~~ road.

One of the most regrettable tragedies of this time, was the assassination of Judge John M. Elliott, of the Court, who was shot and killed near the ladies' entrance to the Capital Hotel, by Thos. Buford, M 26 March, 1879. ~~Judge Elliott was~~ Buford killed Judge Elliott because he had rendered a decision against him in ~~the~~ two days previously in which twenty thousand dollars were involved.

In February, 1880, Mayor Taylor had the distinguished honor of welcoming to Frankfort ~~in February, 1880, the~~ the famous Irishman, Charles Stewart Parnell, member of the English Parliament. He went to Lexington with a committee of prominent citizens to greet Parnell and bring him to Frankfort, where he delivered a stirring address before the Kentucky legislature.

In this same year of 1880 South and North Frankfort were united and made one corporation, ~~in 1852~~ These twin arms of the city had been consolidated thirty years thirty years previously, but their property rights were not fully settled until 1880.

"One of the most exciting, but bloodless, ~~episodes~~ episodes in the history of Frankfort, occurred on September 16th"(1881), wrote Mr Johnson' ~~in~~ his History of Franklin County."~~A fox named Foxen~~
~~though it was advertised to be in Frankfort that day~~The

The town and county were pasted up from end to end with ~~light~~ photographs announcing the fact that Adam For epaugh's circus was to be in Frankfort on the sixteenth; which was quite all right; but ~~this was not~~ the announcement that ~~the managers of the~~ aroused Mayor Taylor and sent him into a most belligerent mood was the statement from the circus

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management that they intended to escape payment of the parade and producing tax the city imposed for all cir similar exhibitions by erecting their "big white top" outside the city's gates. ~~The six~~

But let us hear the Mayor's version of the incident in detail, which he wrote and had published in an open letter to the Editor of The Courier-Journal:

1881 MAYOR TAYLOR. 1881

He Comes to His Own Defense in the Matter of His Row With Forepaugh's Circus.

(To the Editor of the Courier-Journal.)

FRANKFORT, Sept. 22.—Inasmuch as I have been the subject of a great deal of unfriendly criticism, in respect to my action as Mayor of the city of Frankfort on the 16th instant, when the railroad company undertook to unload on one of the principal streets of the city the wagons and animals of Forepaugh's circus; and inasmuch as the facts in regard to the affair, as far as I was concerned, have been grossly perverted and misrepresented, it seems to be necessary for me, in vindication of myself, to give to the public over my own signature the material facts as they transpired.

Soon after the difficulty I had with the railroad and the circus companies had ended I was served with a warrant for breach of the peace. This gave me an opportunity of having the whole matter investigated in public and of having the facts developed under the sanction of an oath in a court of competent jurisdiction. Upon the trial of the case, after a full investigation by the examination of witnesses on both sides, and argument of counsel, the jury promptly returned a verdict of "not guilty," and such was the judgment of the court. Here probably I ought to be satisfied to let the matter rest, but as only those who were present at the trial and heard the testimony can understand how grossly I have been misrepresented, I deem it necessary to state the material facts as developed by the trial of the case in this communication, so that the public at large may judge for itself.

In the month of May last the City Council, in view of the large indebtedness of the city, resolved to increase the charge for licenses generally, and by an ordinance did increase, among others, the charge for a license to exhibit a circus in the city from \$35 to \$50.

In the month of August last the City Council, in view of the many complaints which had been made by citizens in regard to obstructions on many of the streets, and chiefly on Broadway, one of the principal streets of the city, by the railway company and others, adopted an ordinance requiring the officers of the city to strictly enforce the ordinances against those who might thereafter obstruct the streets.

When Mr. Forepaugh afterward concluded to exhibit his circus in the city of Frankfort, a license was applied for, and he was informed that the charge for a license was \$50. This he (or his agent) refused to pay, which, of course, he had the right to do. He determined, however, to exhibit his circus just outside of the limits of the city, to which no objection was made. Thus matters stood. Sometime before the circus was to be exhibited I informed Mr. Brvant, the railroad agent

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(52-117) 732

in this city, that Mr. Forepaugh would not be permitted to unload his circus on the streets of the city, but that there was no objection to his unloading at the railroad depot or on any grounds belonging to the railroad company in or out of the city. This was acquiesced in by Mr. Bryant, and I had no apprehension that there would be any attempt to violate the understanding between Bryant and myself. When the time transpired for the arrival of the circus, on the morning of the day it was to be exhibited here, I learned that it was the purpose of the railroad and circus companies to unload the circus in the streets of the city and not on grounds belonging to the railway company, I therefore, upon my arrival, about 2 P. M., from my place of business, outside the city limits, instructed the police to prevent it, and so informed Mr. Bryant. In a short time afterward I was served by the Sheriff of the county with an order of injunction, issued by the County Judge in the absence of the Circuit Judge. The injunction reads as follows:

FRANKLIN CIRCUIT COURT—Louisville, Cincinnati and Lexington Railway Company, plaintiff, vs. the Board of Councilmen of the city of Frankfort, defendant. *Petition in Equity.*—The plaintiff, the L. C. and L. Railway Company, states that it is a common carrier, owning, using and controlling the railway from Louisville via Frankfort to Lexington, Ky., and as such common carrier it agreed and contracted with one—Forepaugh (who was and is the owner of a circus and equipments) to carry and transport his said circus, equipments, troupe and appurtenances from Louisville to Frankfort, Ky., for the purpose of giving a circus exhibition at Frankfort, on Friday, Sept. 16, 1891, at 2 o'clock P. M. It further says that its depot and switches and place of loading and unloading all freight and passengers are within the limits of the city of Frankfort, and its road runs through said city for a considerable distance. It says in pursuance of said contract the plaintiff has transported said circus troupe, &c., to Frankfort, and the same is now on the cars of plaintiff at Frankfort, and the defendant has notified plaintiff not to attempt to unload said circus in the streets or at its ordinary places of unloading freight in said city, and plaintiff finds it impracticable, and in fact impossible, to unload said circus in time for the appointed exhibition aforesaid unless the plaintiff is allowed to unload within the limits of Frankfort as its custom has been.

Plaintiff says that great and irreparable injury will be done if it is not permitted to unload said circus as aforesaid.

Plaintiff says no injunction has heretofore been granted or refused herein.

Plaintiff says that, owing to the facts aforesaid, great and irreparable injury will result to it unless an injunction is immediately granted herein.

Wherefore, plaintiff prays that the defendant, its officers, agents and employees be enjoined and restrained from interfering with the plaintiff in unloading and reloading said circus troupe, equipments and appurtenances within the limits of the city of Frankfort, and upon final hearing that the injunction be made perpetual and for costs.

IRA JULLAN, Attorney for Plaintiff.
E. P. Bryan says he is the agent for plaintiff, the Louisville, Cincinnati and Lexington Railway Company at Frankfort, and the foregoing statements are true.

E. P. BRYAN.
Subscribed and sworn to before me September 16, 1891.

R. A. THOMSON, P. J. F. C. C.
W. Franklin, Clerk of Franklin Circuit Court, will, upon execution of bond as required by law in the sum of \$500, issue an order enjoining and restraining the defendant, its agents, police officers, and employees from interfering with the plaintiff in unloading and reloading the circus equipments, troupe and appurtenances of Adam Forepaugh within the limits of the city of Frankfort.

R. A. THOMSON,
P. J. F. C. C.

225500

Upon the filing of the foregoing petition a summons in equity was issued, with the following injunction indorsed thereon:

The defendant, the Board of Councilmen of the city of Frankfort, its officers and agents, are enjoined and restrained from interfering with the unloading and reloading of Forepaugh's circus from the cars of the plaintiff within the limits of the city of Frankfort until the further order of this court.

Attest: W. FRANKLIN, C. F. C.

This injunction was obtained without notice to me or to any of the City Council, and in violation of what I supposed to be an agreement between myself and Mr. Bryant. I immediately consulted the City Attorney to know what was my duties and powers under the circumstances. I was told that if I disobeyed the injunction I was liable to be proceeded against and fined for a contempt of the court. But, inasmuch as I was not made a party to the suit and the injunction was against the City Council and not against me, upon reflection, I determined to resist the unloading of the circus on the public streets, and to run the risk of being fined for a contempt, and so informed the police, and directed them not to permit the circus to unload in the streets. Being unwilling, however, to place, by my order, the police in a position in which there might probably be danger, without sharing with them the dangers and responsibilities of the position, and believing that my presence might have some influence in the preservation of the peace, I determined to appear on the ground with the police, and give directions to them as occasion might require, and share with them the perils, if any, of the proceeding.

I was present with the police when the train containing the circus arrived. It stopped on Broadway, reaching from the depot to a point not far from the railroad bridge across the river, preventing all travel and passage across Broadway, in front of three or four squares or blocks. It is true, that the cars were separated after awhile in front of the most if not all the streets entering into Broadway at right angles, so that persons might pass across Broadway without imminent danger.

Those in charge of the train then proceeded to arrange to unload on Broadway. I gave notice that it should not be done, and said further that any one who should attempt to unload in the streets would do it at peril of his life. Thereupon Sheriff Hawkins appeared with a large posse of bystanders, many of whom had come to the city to see the show, and declared that the circus should be unloaded. I then said that I would shoot any man who attempted to unload the circus in the streets. In a short time some twenty or thirty of the militia company called the McCreary Guards, by order of the Governor, arrived on the ground, fully armed, and reported to the Sheriff. I still maintained my position, and when the commander of the Guards approached, under the order of the Sheriff to arrest me, I demanded to see his authority, which he showed to me. After reading it, I told him that I was there to keep the peace and to maintain the ordinances of the city, and that the Guards ought to assist me, but if he would go back to the Governor, who, I believe, was at his office, not more than 100 yards from the scene, and, if the Governor would direct that the circus should be unloaded in the public streets, that then I would, with my police, retire. The officer did me the kindness to go and see the Governor for further instruction, and came back and said that the Governor had declined to give further instructions. Then I said the circus should not be unloaded in the streets. The officer, with his men, then seized me and carried me off the grounds. These are the material facts of the case. In view of them let me be judged by an impartial public, as I have been judged and acquitted by a competent jury upon the impartial investigation as stated. What was the Sheriff and his posse on the ground for? He stated in his testimony that he was there for the purpose of having the circus unloaded, and that he had summoned his posse for that purpose. One of his posse also stated that he was summoned by the posse to aid in unloading the circus. The Sheriff also stated that it was upon his application that the Governor ordered out the McCreary Guards.

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I maintain that both the Sheriff and the Governor were in the wrong. Instead of aiding me in maintaining the laws of the city and the peace of the community, they supported the railroad and the circus companies in violating and setting at naught the laws and authority of the city. I do not say this in ill-temper towards the Governor or Sheriff; I have great respect for both their offices. I do not charge that they or either of them intended to do wrong to me or to the city or to its authority, but when I am charged with grievous misbehavior, I feel that I ought to vindicate myself, even though, in doing so, high officials become involved. An impartial public will judge between us, notwithstanding the great disparity of official dignity between the humble Mayor of a little city or the Governor of a great State. Though it may be true that I am in contempt to the order of injunction, yet neither the Sheriff nor the Governor has any right to punish me. I am amenable to his Honor, the Circuit Judge, for the supposed contempt, and not to the Sheriff or the Governor. If the Governor is the executive of the State, so am I the executive officer of the City Council of Frankfort. It is as much my duty to see to the execution of the laws of the city of Frankfort as it is his to see to the execution of the laws of the State. The difference is in the degree and not in the nature of the duties. If the Governor or Sheriff are conservators of the peace, so am I, as also the police under my command. As Mayor, it was my duty to uphold and enforce the laws of the city. I was trying to do so; but the Sheriff and the Governor, it seems, were trying to uphold a circus company in its violation of the laws of the city. They were there to unload a circus in the streets, contrary to the ordinances of the city. I was there with the police to prevent it. They were too strong for me and my party, and I had to succumb under military arrest. I am abused and traduced in certain quarters, and they are praised.

The injunction would probably have been

refused by the County Judge but for a false allegation made in the petition to the effect that I had forbidden the unloading of the circus anywhere in the city. The petition was sworn to by Mr. Bryant without noticing this false statement. It was done, no doubt, through inadvertence, for Mr. Bryant is a gentleman of honor and integrity, and when afterward his attention was called to the matter, he promptly and unhesitatingly corrected it, by the publication of a card in the Yeoman, but it was too late—the injunction had been granted and the mischief had been done. EDM' D H. TAYLOR, Mayor.

The Fil

Society

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~~(135-1)~~ Chapter - Water

But Mayor Taylor had a more important problem than the Forepaugh incident to solve: decent water for the citizens of his town to drink and use in their home households. This was what was called The Water Question. The Mayor first tackled it in the autumn of 1881 a few days subsequent to the bloodless battle with the minions of old Adam Forepaugh/, and it required four years to untangle it. In 1885, when he was serving a other term, he was almost wholly responsible for securing the organization of a company to build the new city water works plant, and in disposing of the old antiquated plant.

The Frankfort Daily Dispatch (dead now for many years) in its issue ~~of~~ Friday, 21 September, 1881, carried the following front-page story on:

The Filson Historical Society

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THE WATER QUESTION.

Call Meeting of the Council on the All-
Important Subject.

REPORT OF THE EXPERT.

A call meeting of the City Council was held at the chambers last night. Present all but Councilmen Luscher and Meagher. Mayor Taylor in the chair.

Mayor Taylor stated that the expert who recently visited the reservoir had made his report and on motion it was read as follows:

LOUISVILLE, Ky., Sept. 20.

Hon. Edmund H. Taylor, Jr., Mayor of Frankfort, Ky.:

DEAR SIR: I herewith submit my answers to questions propounded to me by yourself and Committee on Water Supply, upon the occasion of my visit to your city one week ago to-day.

1st Question.—Can the new reservoir be made to hold water?—if yes—what would be the probable cost of the work?

Answer.—Yes it can, in the sense or upon the assumption that difficult undertakings may be carried out successfully. The difficulties to be overcome in making this reservoir water-tight are two-fold in character.

First, the dam seems to have been founded and built upon a deposit in the bottom of the ravine which it spans, which deposit, from all surrounding indications, can hardly be expected to hold water under any considerable pressure, and which in fact does permit the water to pass through it under the foundation of the dam, in streams of considerable volumes. The deposit in question is of unknown depth, consists apparently of partly disintegrated limestone rock from the hill-side above the dam, reduced to volumes varying in size from small pebbles up to stones of perhaps a cubic foot. It is evidently quite firm as a foundation, since, despite its perviousness to water, there is no evidence in the visible portion of the dam masonry that any vertical settlement has taken place. To stop the leakage which takes place through this deposit by direct contribution, two plans suggest themselves. One would be to extend the masonry of the dam down to the solid rock by a process similar to underpinning a high building, the walls of which, subsequent to their construction, are found to have not been laid deep enough; and the other, to cover the earth backing of the dam and the bed of the basin formed by it, with an impervious lining of clay puddle and concrete. Either of these plans would be very expensive to carry out, and not even an approximate estimate of their cost can be made, without first making a careful instrumental survey of the basin, and borings in the ravine to ascertain its depth both above and below the dam. My

opinion, however, is, that either of the plans carried out would cost about as much more as has been already expended upon the structure.

Second. There is considerable leakage around the ends of the masonry dam, through the stratification of the natural rock which form the sides of the basin. To locate the points in the basin where the water escapes which thus goes around the dam, would be a tentative operation of magnitude, embracing probably the cleaning off of the greater portion of the hill-slopes which form the sides of the basin, and cover them with lining of water-tight material, such as clay puddle and concrete, which would cost a very large sum of money, larger perhaps than the stoppage of the leak under the dam.

2nd Question.—From the present quantity of sediment deposited in the reservoir, what would be the probable depth of deposit in say, ten years?

Answer. I did not take particular notice of the quantity or depth of deposit accumulated in two seasons, but from the best of my recollection, the indications are that a large portion of the storage capacity of the reservoir would be destroyed by the filling up of the basin with sediment. But this process of filling up with sediment may prove to be a compensating work, inasmuch as it is possible for it, in a short time, to stop many of the leaks which now exist, and may eventually stop all of them.

3rd Question.—What is your opinion as to the propriety of expending any money for the purpose of making the dam, or any part of the reservoir, water-tight?

Answer.—I would not advise spending any money for this purpose; my reasons for which are, I think, apparent from the answers given to the two preceding questions.

4th Question.—What is your opinion of its utility and efficiency as a distributing reservoir?

Answer.—As a distributing reservoir I consider it of little value, for the simple reason that it is not sufficiently elevated to afford a water-pressure in the city distribution adequate for the present wants and usages of society in domestic life, much less for public uses, such as fire protection and manufacturing purposes.

5th Question.—What use can be made of it as a storage reservoir?

Answer.—As a storage reservoir, from which to supply the city by pumping machinery, it will be serviceable, except during the summer months, when the temperature of the water it contains becomes sufficiently high to cause decay in the organic matter contained in it. Probably for eight or nine months in each year the water stored in it will prove to be of acceptable quality.

6th Question.—Can you suggest a method by which the water received and retained in the reservoir during the spring and early summer, can be made potable for use during the summer and fall?

Answer.—There is no practical method known of making such water potable. The offensiveness in odor and taste in the Croton supply to the city of New York, and the Lake Cochituate and Sudbury river supplies to the city of Boston, which have often incommoded and sometimes alarmed the inhabitants of those cities, have not been regarded as seriously prejudicial to public health, and have been endured by those people until corrected by natural causes, the operation of which have as yet not been satisfactorily explained.

7th Question.—Do you advise that the twelve-inch main be laid from the dam to the old reservoir?

Answer.—I do not, because during such portions of the year as the water in the new reservoir may prove to be unpotable, the present line of 6 inch pipe appears to be large enough to convey to the city all the water which the spring and the old reservoir are capable of furnishing.

8th Question.—Would it be advisable, to sink wells in the valley above the State's prison, and pump into a small reservoir located in one of the adjacent hills, or directly into the distributing pipes during the time of inadequate supply from the old reservoir and unpotable supply from the new one?

Answer.—Yes. From my knowledge of the country surrounding Frankfort, and your Committee's statement that wells sunk in the valley named furnish an abundance of good water, it appears to me that some such arrangement would be the best means of supplying your people with water.

If such a plan were adopted, the pumping machinery should be located and constructed so as to be able to take its supply of water from the contemplated wells or the twelve-inch main from the new reservoir, and pump directly into the city distribution or into a reservoir which can be constructed whenever deemed advisable hereafter.

If wells and pumping machinery are to be adopted; it would perhaps be best to examine into the feasibility of locating them near the junction of the valley from the State's Prison with that from the new reservoir, and using the water from the latter for power purposes, for which it would probably suffice during six months of the year. Very Respectfully,

CHAS. HERMANY, Civil Engineer.

On motion of Councilman Bush, the report was accepted and ordered spread upon the minutes. The Council then adjourned until Tuesday next at seven o'clock.

FOOTNOTE FOR

COURTS OF FRANKLIN COUNTY.

FRANKLIN CIRCUIT COURT.

Judge—P. U. Major.
Commonwealth's Attorney—A. G. DeJarnette.
Clerk—Walter Franklin.
Sheriff—E. O. Hawkins.
Jailer—Robert W. Lawler.
Assessor—Robert Sanford.
Coroner—Alex. McEwan.
Court convenes second Monday in February and third Monday in October. Chancery Term—Fourth Monday in June.

FRANKLIN COUNTY COURT.

Presiding Judge—R. A. Thompson.
Clerk—James G. Crockett.
County Attorney—W. H. Julian.
Court convenes first Monday in each month.

OFFICERS OF CITY OF FRANKFORT

Mayor—E. H. Taylor Jr.,
Police Judge—W. H. Sneed.
Clerk—Sidney French.
Attorney—Hugh Rodman.
Treasurer—Jos. Swigert.
Marshall—T. J. Todd.
City Physician—Dr. J. Lampton Price.
Lessee Major Opera House—J. B. Dryden.
Market Master—Chas. Buckner.
Board Common Councilmen—E. H. Taylor Jr., H. I. Todd, B. F. Meek, Minus Williams, E. Burns, Sig. Luscher, Louis Mangan, B. C. Milam, and Dan. Meagher.
Board School Trustees—W. S. Dehoney, E. Whitssides, and D. L. Haly.

PRINCIPAL OFFICERS OF THE STATE.

Governor—Luke P. Blackburn.
Lieutenant Governor—James E. Cantrill.
Secretary of State—Jas. Blackburn.
Assistant Secretary of State—Thos. A. Harris.
Private Secretary to the Governor—J. Corbett.
Attorney General—P. W. Hardin.
Librarian—Mrs. Annie B. Cook.
Warden of Penitentiary—W. S. Stone.
Public Printer and Binder—S. I. M. Major.

225500

In 1882 Mayor Taylor was active in securing an appropriation and speedy selection of a site for the Post Office building; and he was the chief factor, with his ~~W~~board of councilmen, in selling to the city gas works ^{and franchise} to the Southern Gas Company for forty thousand dollars in 6 per cent forty years bonds. The purchaser agreed to furnish the city and individuals consumers with good gas at two dollars per one thousand feet cubic feet and to light the street lamps on all nights when there was no moon for ~~twenty-four~~ twenty-four dollars per lamp per year. The city agreeing to use not less than one hundred lamps. There were some citizens in Frankfort that did not approve of this sale and contract. They were the same folks, probably, who, five years previously, had so strenuously objected to Mayor Taylor's ordinance, which went through Court the Council, prohibiting several hundred hogs from running at large on the streets of Frankfort. "It has always been the custom from the earliest history of our town," they argued; "our personal liberties are attacked!"

In the lovely month of June of 1882, Rev. George O. Barnes, the mountain evangelist, arrived in town to conduct one of his characteristic revival services in the Franklin County court house; and hogs, ~~gas~~ gas light sonatas, personal liberties and the like were pushed aside while he prayed and preached and his daughter, Miss, unfolded her little trick organ and sang sweetly the hymns ~~xxxxxx~~ ~~xxxxxxxxxxxxxxxxxxxxxxxx~~ of Zion.

20520

But I have continued to
dress up: 1137-B.

Louisville Dec 21 1882

Mr. E. H. Taylor

Dear Sir

I sent you yesterday

6	Linen Shirts	30 00	
5	" Handks	8 75	
1	Vest	4 50	
1	Tooth Brush	30	\$ 43 55

I had but 5 Linen Handks of the Kind you looked
at. They were Sent to the care of John Watson & Co. Frankfort.

Yours

A D Mansfield

The Filson Historical Society

Chapter =

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[illegible]

In 1885 Mayor ~~Meyle~~ was active in securing the organization of a company to build the new city water works plant, and in selling the old water tank plant.

Franklin's First 100 years
General James Wilkinson came to ~~come~~ Kentucky,
the State
first dry good stores in ~~the State~~. Two years
"Lost."

In 1784 ~~came~~ General James Wilkinson came to ~~come~~ Kentucky, opening in Lexington the third dry good stores in ~~Kentucky~~ ^{the State}. Two years later he became the founder of Frankfort; and the same year, 1786, the

~~(53-1)~~ - 38-13

towns of Washington, in Mason county, and Stanford, in Lincoln county,
were established.

One hundred later, I886, the citizens of Frankfort decided to celebrate their ~~first~~ⁿ centennial anniversary of their town. ~~The~~ Col. John L. Scott was chosen general chairman of the first meeting, and the movement gathered momentum so rapidly that he was thought wise to organized the Frankfort Centennial Association, which was done, ~~with~~ Gen. D W. Lindsey becoming president, with seventy-two vice presidents, headed by Col. J. Stoddard Johnston, and three secretaries. The celebration was held on the old Capitol Square 6 October, I886. It was one of the great days of the town's history, a crowd of twenty-five thousand people being in attendance. The parade was the longest ever seen in Frankfort.

The exercises were opened by Mayor ~~Ex-H~~ Taylor, who introduced Judge Lindsey, who welcomed the guests. Major Henry T. Stanton read a centennial poem written for the occasion; Col. W.C. PP Breckinridge, of Lexington, spoke briefly, and then the Mayor presented the orator of the occasion, John Mason Brown, of Louisville, who spoke on "The Political Beginnings of Kentucky"---an address that afterwards served as the nucleus for his Filson Club publication of the same title.

Many papers pertaining to the history of Frankfort, of very the autobiographies, biographies and sketches of and by the oldest c first importance and known under the general title of "Centennial ~~Russ~~ Records," were presented by Col. J.L.Scott to ~~the city~~ Mayor Tay- lor, who accepted them in the ~~following words~~ name of the city and in the following words:

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Footnote for Centeni Centennial Records:

There were 76 papers in all upon such subjects as Early Recollections of Frankfort, by J. Carter Coleman; Schools of Frankfort, by Thos. Hunter; Capitol Hotel, by Jerome Weitzel; "Jimmie" Leonard and the Early History of the Frankfort Telegraph, by Col. Charles E. Taylor; Judge J. Soule Smith's ("Falcon's") Glowing Account of the Centennial in The Louisville Times; Centennial Poem, by Henrt T. Stanton; The O.F.C., Carlisle, and J. Swigert Taylor Distilleries, by J. Swigert Taylor; and many others. For full list of papers cf. appendenix.

~~xxxxxxx~~

The Filson Historical Society

20322

Chapter - "Frankfort Free City"

(52--M)

142
on 7 December, 1885, the Frankfort public school building was destroyed by fire. This was the ~~building~~ building that had been erected by means of a lottery in ~~the~~ the sixties. Plans were made for its immediate erection, and when the corner-stone was laid ^{17 July, 1886,} Mayor Taylor presided at the ceremonies and delivered the address of the day. Major Stanton read a poem and the Rev. George Darsie, of the Frankfort Christian church, also spoke.

In the early sixties the Kentucky Legislature passed an act authorizing a franchise to the Board of Council of the City of Frankfort to operate a lottery, the income of which was to be used for school purposes.

lottery
The franchise was sold to Murray, Eddy & Co., in 1864, and was transferred by them to Smith & Co., and by this firm to E. S. Stewart & Co. for \$100,000 to be paid in quarterly installments. At the time of the sale there was but one free school maintained by the city, which had but small attendance, and one teacher, whose salary was \$60.00 per month. The income from the lottery was used by the Councils for general expenditure during the period up to and including the time that the first public school house was built on Second Street, and during the incumbency of Col. Taylor as Mayor, an ordinance was passed authorizing a bond issue of \$100,000, which was to be turned over to the School Trustees as a perpetual fund, the income to be used for school purposes. The School Board are at this time receiving the income for this bond issue.

~~(553-N)~~ 743

On a tablet imbedded in the wall over the entrance to this school building are these words from Mayor Taylor's address:

"Frankfort's Free Gift to All of Her Children."

The official program
was as follows:

The Filson Historical Society

143=B.

LAYING OF THE
C O R N E R S T O N E
O F T H E N E W
P U B L I C S C H O O L B U I L D I N G

*Place
about 11
clock
The
Frankfort*

-oo ORDER OF PROCESSION. oo-

- 1.- Platoon of Policemen.
- 2.- Schneider's Brass Band.
- 3.- Frankfort Commandery, No.4, K.T.,
and Master Masons.
- 4.- Canton Berry, No.6, I.O.O.F., and
Odd Fellows.
- 5.- Grand Master and Grand Officers
in Carriages.
- 6.- The Goddess of Liberty and the
States Representatives.
- 7.- School Trustees and Superintendent
and Public School Teachers.
- 8.- Prof. Wayland Graham and Mikado
Singing Club.
- 9.- State Officials.
- 10.- County Officials.
- 11.- City Council.
- 12.- Mayor, Orator and Poet.
- 13.- Citizens in Carriages.
- 14.- Fire Department

-oo ROUTE OF PROCESSION. oo-

The procession will form on Main Street,
the head resting on Ann, and will move at
2:30 o'clock sharp: East on Main to High,

7X500

north on High to Clinton, west on Clinton to Ann, south on Ann to Broadway, west on Broadway to St. Clair, south on St. Clair to Main, west on Main to Washington, south on Washington to Wapping, east on Wapping to St. Clair, south on St. Clair to Second, west on Second to the School Yard, where the following

P R O G R A M M E

Will be observed:

- 1.- Prayer by the Grand Chaplain.
- 2.- Introductory remarks by the Mayor of the city, Hon. E. H. Taylor, Jr.
- 2.- Music by the Band.
- 4.- The Mayor will introduce the Orator of the Day, Rev. George Darsie.
- 5.- Speech by the Orator.
- 6.- Music by the Band.
- 7.- The Mayor will introduce the Poet Laureate, Maj. H. T. Stanton, who will deliver an Original Poem.
- 8.- A National Anthem by Prof. Graham and Choir.
- 9.- Laying of the Corner Stone by the Grand Master of Kentucky, and the ceremonies accompanying it.
- 10.- A National Song by Prof. Graham and Choir.
- 11.- Benediction by the Grand Chaplain.

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(53--N)

chief

744
Mayor Taylor was the ~~chief~~ influence in securing for Frankfort, the State Normal School for Colored Persons," which was dedicated on the outskirts of the town, Saturday, 22 October, 1887. There was in Frankfort at that time a very rep respectable negro, Ronert Todd, who was keenly interested in securing the school for the city. He sought the aid of Mayor Taylor, who with Todd and ~~a few~~ friends of the Mayor, had a meeting with Governor and the Board of Trustees, and through them and the influence of Col. Taylor this institution was located at Frankfort.

Sen. - Mayor Taylor was invited to attend the dedicatory exercises by Joseph Desha Pickett, State Superintendent of Public Instruction who sent the invitation in the name of the Board of Trustees of the School. The Mayor accepted the invitation and made a brief address.

on 14
The year of 1888 witnessed his most spectacular race for Mayor, ~~and this~~ next in which he defeated Judge Alvin Duvall (I) Foot-note Duvall
Col. E. H. Taylor, Jr., has recently won a triumph seldom allotted to mortals in this world. The partiality of the voting citizens of Frankfort, Ky., has demanded that Col Taylor should make the personal sacrifice in his business to serve them as Mayor since 1871, from which time he has filled the responsible position, with the exception of two terms. Why this continued demand upon his time on the part of the voters of the capital of Kentucky to serve them, unless he had made them as good a mayor, as he is so well known as the producer of world-renowned whisky. The qualities of a man to fill the position of mayor of any city of importance to the satisfaction of its property holders and tax payers, must be one whose executive abilities and intelligence on all matters, as well as possessing the high instincts of a gentleman, fit to represent this city on all occasions must be eminently the characteristics of Col. Taylor or he could not for so many years have commanded the continued confidence and support of his constituents in so intelligent a community as we know the people of Frankfort to be. In order to try and defeat Col. Taylor in his recent canvass, his opponents selected one of the most honorable and prominent citizens in the history of the many prominent men in Kentucky—Judge Alvin Duvall ex-Chief Justice of Kentucky, and one of the most able lawyers in America. The opponents of Col. Taylor are reported to have spent many thousands of dollars, paying for votes all the way from five to one hundred dollars on the eve of election. No election for Mayor has ever created in Kentucky so universal excitement as the late contest; for both candidates have a national reputation. He had two daily papers in Frankfort opposing him, one morning, the other evening, and every other combination possible; yet, as a prominent lady in Frankfort remarked, the morning after the election, "Col. Taylor, I congratulate you on your splendid victory, for you have beaten the world, the flesh and the devil." If he lives he will serve the people of Frankfort three years more as mayor, but those duties will not prevent him from making just as fine whisky as he has ever made.

(Wm. Mida's Criterion)
Chicago, 17 Dec., 1888

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~~Footnote Judge Duvall~~

Judge Duvall, ~~xxxxxx~~ was born near Georgetown Ky., 20 March, 1813; died at Frankfort 17 Nov., 1901. He was for years one of the leading lawyers of Kentucky. He was graduated from Georgetown Colleg in the 1c class of 1833, and studeid law under Gen. James F. Robinson, afterwards Governor of Kentucky. He later grad graduated from the Law School of Traynsvlvania University in Lexington. He like his father beforehim~~as~~ represented Scott county in the Kentu~~g~~ legislature, and was then elected Circuit Judge, ~~ofches~~ and Judge of the Court of Appeals, ~~xxxxxx~~ ~~afterward~~ ~~electe~~ ~~clerk~~ ~~of~~ ~~the~~ ~~court~~ ~~of~~ ~~xxx~~ ~~Appeals~~ when he removed to Frankfort to ~~live~~ reside. He was later chosen Clerk of the Court of Appeals.

The Filson Historical Society

7200

14 January, 1890, Mayor Taylor sent the following communica-

tion to his board of Councilmen:

Jan. 14. 1890

To the Honorable, The Board of Councilmen of the
City of Frankfort:

I received from your honorable body an ordinance adopted by you, December 17th, 1889, prohibiting the sale of cigarettes "or any other similar preparation of tobacco except cigars," within the City limits.

In form, the ordinance is vague and indefinite-so lacking in the certainty of its provisions as to make it, in my judgment, inoperative as a law, even were it otherwise unobjectionable.

Your honorable body is purely legislative in its character. It has, by law, no judicial functions. When you, therefore, undertake to punish an offender by "suspension of forfeiture of license, as the Council may, in its judgment determine," you assume all the powers and duties of a criminal court.- you must determine the guilt or the innocence of the accused and also the nature and amount of the punishment. If the ordinance be operative at all it asserts for your honorable body the legislative powers of the English Parliament (which can do no wrong, according to law writers), and also, greater judicial powers than are claimed by the House of Lords.

The State delegated a certain portion of Sovereignty to municipal councils, and only a certain portion. I cannot find any power given in the charter of this City authorizing you to try and punish the violations of the City ordinances. I am, therefore, reluctantly constrained to believe that you have, in this ordinance, assumed prerogatives not given you by law. And the spirit of the ordinance seems to me even more objectionable, than its form. The mere phrasing of it might be so corrected as to make its provisions come within the letter of the law. But its meaning and intent seems to me wrong past all remedy, and, practically, if this law could be enforced, it would build up a cigarette emporium outside the City limits, from which no City Tax could be derived, and at which every cigarette smoker in Frankfort could supply himself with as many as he wanted as often as he pleased.

The theory of our government is not what is called "paternal," the people are the government, and when they become incapable of governing themselves, there is no power to govern them left elsewhere in our constitution: and the people have equal rights, which should be preserved to every one of them alike.

An attack upon the liberty of one man, or class of men, is an attack upon the whole body politic. If your honorable body has the right to prohibit cigarettes or "any other similar preparation of tobacco, except cigars," have you not the same right to prohibit cigars or plug tobacco, or pipes, or even leaf tobacco of the farmer from being sold or offered for sale in the City? Have you not the

2005 x 20

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same right to prohibit the sale of liquors without consent of the people expressed through the polls, or to regulate the kind of jewelry, or quality and price of female apparel to be worn in this City?

It has been well said recently in one of the daily papers, "The Law should give every man the liberty to protect himself, and should prohibit the protection of every man at the expense of his neighbor."

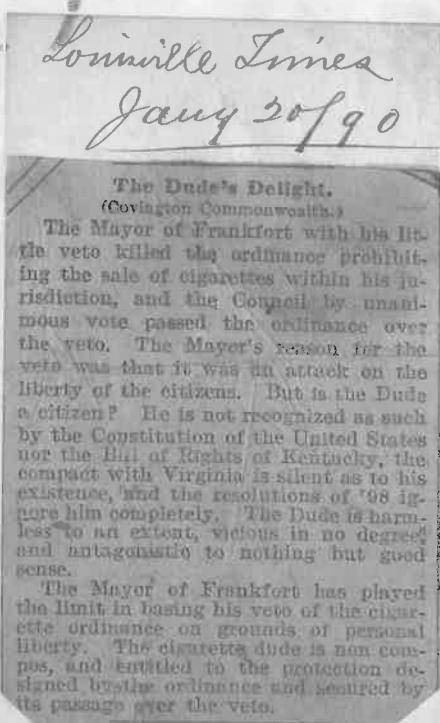
This seems to be the true principal upon which all legislation should be founded. Stimulants and narcotics have been used by mankind from the earliest times known to history. The tendency to their use is innate and inherent.- A wise public policy--demands that the traffic in these articles, as well as their use, should be regulated by law, and also tempered by public opinion.

Any attempt to prohibit this use entirely has always been a failure, its failure, however, has carried with it greater evils; such laws, in the first place, spring from a disregard for the rights and wishes of others. Those who believe their rights have been invaded cease to respect the law, which they think is unjust to them, and the Courts which enforce it. They habitually violate the law, and do so with the knowledge and connivance of their neighbors and friends. So the moral tone of our citizenship is lowered, and a far reaching taint put upon society under the very guise of Godliness and morality, therefore, believing as I do, that the ordinance presented to me, is defective in form, vague, and indefinite in purport, incapable of enforcement, and entirely wrong in spirit and intent, I have the honor to return it to you with my disapproval.

Your obedient servant,

E.H.TAYLOR, JR.

MAYOR.



Col. ~~Swigert~~ ~~was to be sent a copy of Prof. ~~Riger~~'s bird's eye view~~ 148

~~shot of Frankfort in 1871 the 1st year of the Col. in~~ 149

In the spring of 1890 Col. Taylor was in very poor health, and should have resigned the Mayoralty and taken a long rest, but he did not. Instead ~~he~~ continued making public addresses, and actually permitted himself to be elected Vice-President of the Kentucky & Cumberland Railroad Company, a new corporation, which was to build a road from Frankfort to the Cumberland river in organized at Frankfort in May, 1890. In June he was feeling better. About this time a number of Kentucky newspapers were nominating him for ~~In September the first serious illness that~~ 50v.9
K.

In September, 1890, occurred Col. Taylor's first serious illness, when he suffered a stroke of paralysis, which threatened for a time to culminate in his death. Among the doctors summoned by the family was Dr. Allen, of Lexington, who, after a careful examination, gave it as his opinion that the Colonel could not live more than a few days. At the end of the few days, he was much better; and in a few days more he was ~~speaking~~ "cussing" with his characteristic fluency! ~~But~~ two months later the paper were reporting he was not well enough to receive callers; but in December he was reported recovering rapidly; and on the 23 December he was well enough to forward the following communication to the his Board of Councilmen.

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To the Honorable Board of Councilmen of the City of Frankfort:

I am in receipt of the above ordinance passed by your honorable body on December 9, 1890, which is without title, but the purport of which is to prohibit the gift, sale or barter of cigarettes or cigarette material in the corporate limits of the city.

I am compelled to return said ordinance with my disapproval, because I consider it wrong in principle and defective in detail.

Any "person", whether a commercial traveler, legislator, casual visitor, or even a chance passenger going through the city on a train, who should "give, sell or barter, either directly or indirectly, a cigarette or cigarette material, to any person whomsoever," is punishable under this ordinance. Cigarette material includes any kind of tobacco, and any kind of paper which may be used in the making of a cigarette. If this ordinance should become a law, ordinary fairness and justice to the traveling public would demand that prominent bill-boards should be erected on all roads leading into the city, warning all visitors against the consequences of any sale, gift or barter of any form of tobacco or paper while within the sacred boundries of Frankfort. And as corn shucks, so I am told, are often used for cigarette wrappers, the farmers should be warned against selling or giving away any corn which has not been scrupulously denuded of its outer covering.

As Mayor of Frankfort, I fail to see what advantage such a Chinese principle of exclusion could be to our people. It is true that gentlemen who wish to offer each other a cigarette or a little smoking tobacco, or even a sheet of note paper, could, with some little inconvenience, withdraw from the territory over which you exercise your jurisdiction to consummate their generosity. But I respectfully submit that, while such a state of affairs might prove beneficial in preserving the health of a few sedentary individuals, it would hardly enure to the good of our citizens generally.

In a former communication to your honorable body, I endeavored to call your attention to the defective characters of an ordinance from which the present measure differs only in the matter of its form. The same mistaken spirit, which, in my opinion, formed so serious an objection to the cigarette ordinance vetoed by me on the 14th day of January 1890, and which your honorable body saw fit to pass over my veto, is in no less degree characteristic of the ordinance which you have just presented for my consideration. It has taken but a

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breif experiment to prove your previous ordinance a dead letter, and I can see nothing in the Ordinance now before me to warrant me in the belief that, upon experiment, it could be proven less impracticable than its predecessor. But even were it successfully enforced, the same evils which would follow the operation of your former ordinance, must result from the enforcement of such a law as this. It is said that bad laws are most quickly abrogated when literally enforced. It may safely be asserted that this law would not exist long if it were literally construed and rigidly applied. Its effect would be to transfer the entire traffic in tobacco to places situated just beyond the city limits, thus depriving the town of citizens who contribute liberally, at present, to our revenue. Around these places, or, perhaps, connected with them would spring up an undesirable class of houses, where liquor would be retailed improperly, and without license, thereby injuring the trade of the legitimate dealer who has paid his license into the city treasury, and bringing to bear upon our citizens an immoral and degrading influence. These little villages, where no municipal restraints could apply and no policeman could interfere, would offer a greater temptation to our youth than had ever been known before. It is only necessary to hint at the evil results of these surroundings. Every sensible man will supply the details.

In principal the ordinance is wrong. The excessive use of tobacco is generally recognized as an evil. The excessive use of intoxicating liquor has been, and is, to a greater extent, recognized as harmful to the human race. Therefore, by legislation in the way of license and revenue laws, government has taken upon itself a supervision of the traffic in both tobacco and spirits. It has even given to the people in certain districts the right to prohibit the sale of liquor within their bounds. It has not gone so far in the matter of tobacco. But the principal is the same in both cases. The same power must be exercised in the one case as in the other. I am unable to find any special act of the Legislature giving this extraordinary power over the sale of tobacco to your honorable body. In the absence of such a provision, it would perhaps not be risking too much to say that the power rests only with the people at the ballot-box, and not even with them until the General Assembly indicates how it shall be exercised.

Three members of your honorable body are connected with the whiskey interests, which forms so large a part of our material wealth. One is an officer of the Company which controls the "Hermitage" and "Old Crow" Distilleries: another is, probably, the most prominent saloon keeper in the City of Frankfort; the third is Secretary and Manager of the "O.F.C." and

22X500

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"Carlisle" Distilleries. These gentlemen, it is true, advocated and voted for this ordinance. But I am sure that they did not consider the matter carefully. Had they done so, they would have seen that the absolute authority which your present action implies would also enable you to prohibit the sale, gift or barter or manufacture of ardent spirits in the city limits.

In conclusion, gentlemen, let me say that I have only hinted at the defects of your measure. The words which come from me, and even the matured actions of your honorable body, have, perhaps, as little effect upon the world at large, and the principles which underlie all constitutional governments, as the manifesto of the three tailors of Tooley street, whose resolutions were prefaced by the declaration: "We, the people of London, demand," etc. But the real people, the voters, the tax-payers of the land, have spoken recently at the polls. They have declared against sumptuary legislation; they have pronounced against an unjust discrimination, between citizens engaged in lawful occupations. Even in our city elections only a short time since, the ballot box has declared for a party whose national and State platforms have clearly expressed the views which I have but feebly indicated. To that party I belong, and its principles seem to me the true basis of free government. But as Mayor of your city, elected by the people, I am here to serve all the people without regard to politics or avocation. For the proper control and regulation of any business in this city you are responsible under constitutional regulations. In your attempts to exercise your lawful powers toward that end, I shall cheerfully lend you whatever poor assistance may be in my power. But when you attempt to exercise powers not possessed by you, and to discriminate against a worthy class of citizens and business men, I can not co-operate with you, and must dissent from your action.

Therefore, for the reason I have given, and for many more which I hope your own good sense will suggest, I must respectfully return the aforesaid ordinance without my signature and with my disapproval.

E.H. TAYLOR, JR.
MAYOR.

Frankfort, Ky. December 23, 1890.

A Copy attests:

J. M. Farreney
City Clerk

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