

THE
HATFIELDS
& THE McCOYS
OTIS K. RICE



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OTIS K. RICE

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TO MY SISTERS

Alma and Rosalie Rice

AND MY GRANDNEPHEW

David Neal Thomas

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Preface

WITHOUT QUESTION, the Hatfield-McCoy feud has excited more interest than any of the late nineteenth-century vendettas of the southern Appalachian Mountains. Scores of books and articles have related its history, and novels, motion pictures, and outdoor dramas have drawn their inspiration from it. Unfortunately, too many of the depictions have been more given to sensationalism than to accuracy and objectivity.

At the outset, it must be recognized that the origins of the feud were complex and cannot be identified with one particular event. Moreover, many of the details of events in the feud may never be known with certainty, for accounts, even by participants, were often so contradictory that there is no way of determining precisely where the truth ended and fabrication began. In addition, many newspaper accounts were so biased or so grossly inaccurate that they must be used with considerable discrimination. Reminiscences in which long conversations were recalled verbatim, used by some writers, are by their very nature suspect.

The present study makes no claim to the discovery of the ultimate truth of every detail of the feud. I have tried, however, to separate myth from known facts, to present as dispassionate and balanced an account as available sources will afford, and to place the feud in the social, economic, political, and cultural context in which it occurred. I have drawn as much as possible from contemporary sources, including court records, public documents, and other materials, including newspapers, that offer a degree of reliability. Above all, I have sought to weigh evidence carefully and to avoid the partisanship and condescension that have characterized much of the writing on the feud.

In my research and writing I have incurred the usual debts that any author accumulates. As always, I have found librarians and their staffs ready to respond to my calls with the kind of assistance that only they can render. I must acknowledge special debts to Mr. William Marshall and the staff of the Special Collections of the University of Kentucky Library; Mr. Jeffrey M. Duff of the Kentucky Division of Archives and Records; Miss Linda Anderson of the Kentucky Historical Society; Mr. Carol Warner of the West Virginia Department of Archives and History; and the staffs of the West Virginia Collection of the West Virginia University Library and the Vining Library of West Virginia Institute of Technology. Dr. Thomas D. Clark drew my attention to the collection of Pike County records in the University of Kentucky Library. My niece, Mrs. Martha Ellen Thomas, photocopied materials in the University of Kentucky Library. Leonard McCoy of Phelps, Kentucky, generously allowed me to use photographs in his possession, and Leonard W. Roberts kindly arranged with the Pike County Historical Society and the Preservation Council of Pike County, Inc., for others. My secretary, Mrs. Connie Alexander, assisted with the typing.

I especially appreciate a grant from the Research and Publications Committee of West Virginia Institute of Technology, which facilitated last-minute research. Two student assistants, Ray E. Woods, Jr., and David Hardy, assisted me in checking references and photocopying needed materials. My colleague Dr. Stephen W. Brown read the entire manuscript and, as usual, made a number of useful suggestions.

THE FEUDISTS AND THEIR SOCIETY

A STORY CARRIED by numerous newspapers in June 1977 reported great agitation among residents of the eastern Kentucky town of Pikeville over a proposal to move the graves in the Dixie Cemetery to make way for a civic center and sports arena. The outcry against what ordinarily might have seemed the march of progress arose from the fact that the cemetery provided the last resting places of Randolph McCoy, his wife Sarah, and other members of the famous Kentucky feuding family. Some of the opponents of removal of the graves must have reasoned that those whose lives had known so little peace should be left undisturbed in death. As usual, many newspaper allusions to the famous vendetta contained gross errors, among them the assertion that more than one hundred men, women, and children were killed during the feud. Only in declaring that "the cause of the feud was never clear" did some of them get closer to the truth.¹

Nearly a century has passed since the trouble between the Hatfields and the McCoys broke the quiet of the hills along the Kentucky-West Virginia border. When they finally laid aside their weapons, members of both families preferred to forget an ugly chapter in their history. In later years battle-scarred veterans of the feud seldom spoke of it. When they did reflect upon the troubles between the two families they often disagreed about their origins and details of the principal events.

Any serious study of the Hatfield-McCoy feud requires more than a mere retelling of the events which drew the conflict to national attention. Of considerable importance to an understanding of the vendetta are the characteristics and backgrounds of the two families, the nature of the environment in which they lived, the social mores of the Kentucky and West Virginia mountains, the prevailing economic patterns, the viability of political and social institutions, and even the impact of outside influences in perpetuating the feud once it started.

Let us begin with the land itself. The valley of the Tug Fork of the Big Sandy River, in which the feud occurred, is one of the most rugged and forbidding sections of the Appalachian Highlands. The Tug Fork draws its waters from scores of small tributaries that have carved deep, narrow valleys from the surrounding sandstone and limestone rocks. At Louisa, Kentucky, the Tug Fork joins the Lewis Fork to form the Big Sandy River proper, which, in turn, flows into the Ohio at Catlettsburg, Kentucky. Like much of the surrounding territory, the watershed of the Tug Fork consists of a maze of secluded valleys that long remained almost inaccessible, where men might live virtually undisturbed by outside influences. The river provided a geographical unity for the region, but, as the boundary between Kentucky and West Virginia, it divided it politically, thereby aggravating some of the conditions that nourished the Hatfield-McCoy feud.

The paths of men go everywhere, and by the beginning of the nineteenth century settlers, most from Montgomery, Washington, and Russell counties in southwestern Virginia, began to filter into the Tug Valley. Many of these pioneers claimed descent from Scottish stock, both Highland and Lowland

and were drawn from the great stream of European immigrants who reached American shores in the early eighteenth century and moved westward by way of the Valley of Virginia. They bore such names as Hatfield, McCoy, Smith, Vance, Chafin, Cline, Evans, Weddington, Staton, Trent, and Varney.

The progenitor of the Hatfield family of Kentucky and West Virginia was Ephraim, who appeared in Russell County, Virginia, about 1774. He and his second wife, Anne Musick, lived to advanced years, and at their deaths in 1855 they were buried on Blackberry Creek in Pike County, Kentucky, where they had made their home. Valentine, a son of Ephraim, married Martha Weddington and settled on Horse Pen Creek in present Mingo County, West Virginia, where he founded the West Virginia branch of the Hatfield family. His brother Joseph, who resided in Kentucky, established the Kentucky branch.

The immediate ancestor of the principal feudists of the Hatfield family was another Ephraim, the son of Valentine. Over seven feet tall and weighing more than three hundred pounds, he was generally referred to as "Big Eaf." When he was about sixteen years old, "Big Eaf" married Nancy Vance, sister of Zebulon Vance, the Civil War governor of North Carolina. "Big Eaf" and Nancy made their home on Mate Creek, a West Virginia tributary of the Tug Fork. Ten of their eighteen children lived to maturity, including six sons, Valentine, William Anderson, Elias, Ellison, Smith, and Patterson.

William Anderson Hatfield, the recognized leader of the clan in its feud with the McCoy, was born September 9, 1839. Throughout his life he used the second of his given names, or the nickname Anse, from which later derived the appellation of "Devil Anse." Shortly after the outbreak of the Civil War he married Levicy Chafin, and they eventually established their home at the mouth of Peter Creek, at the present town of Delorme, West Virginia. They became the parents of thirteen children, including Johnson, or Johnse, William Anderson, Jr., or Cap, Robert E. Lee, Elliott, Elias, Detroit, or Troy, Joseph, Emanuel Willis Wilson, Nancy B., Mary, Elizabeth, Rosada, and Tennyson, or Tennis.²

The forefather of the McCoy family, William, lived for a time, according to family tradition, in Maryland on the site of the battlefield at Antietam. Later McCoy resided in Montgomery County, Virginia, and in 1804 he and his family settled on Johns Creek, in Kentucky, at present Gulnare. His son Daniel married Margaret Taylor in Floyd County, Kentucky, probably in the part that in 1821 became Pike County. Among the thirteen children of Daniel and Margaret was Randolph, the leader of the McCoy side of the famous feud. In 1840 Daniel McCoy and his wife moved to Logan County (West) Virginia, where they lived until their deaths.

Randolph McCoy, usually called Randall or Ran'l, was born October 30, 1825, in Pike County. On December 9, 1849, he married Sarah, better known as Sally, McCoy, his first cousin. For a time the couple resided in Logan County, but they later returned to Pike County. They made their home on Blackberry Fork of Pond Creek, a tributary of Tug Fork, on property that was willed to Sarah by her father in 1855. Randolph and Sarah became the parents of sixteen children, including Josephin, James H., Floyd, Tolbert, Samuel, Lilburn, Ali-fair, Rose Anna, Calvin, Pharmer, Randolph, Jr., or Bud, William, Trinvilla, Adelaide, Fanny, and an unnamed child.³

The Hatfields, more numerous in West Virginia than in Kentucky, probably constituted the largest clan in the Tug Valley. One political rally in the Tug region in the 1880s attracted over three hundred persons who either bore the name of Hatfield or had Hatfield blood in their veins.⁴ The McCoy family lived on both sides of the Tug Fork, but most of them resided in Pike County, Kentucky. Both families were extensively related to other residents of the Tug Valley.

In their physical attributes and their attitudes the Hatfields and the McCoy showed striking similarities. The McCoy have been described as "in general tall and lithe and handsome." Possibly

Lowland Scottish stock, but intermarried with the Highland Celtic strain, some of them had a slight olive complexion and either dark or auburn hair.⁵ The Hatfields tended to be large and to possess great physical strength. One contemporary writer described the Hatfields of the late nineteenth century as “a high spirited family, but ... kind, neighborly, and just to all who treat them justly.” He went on, however, to declare that “an enemy ... might as well kick over a bee-gum in warm weather, and expect to escape the sting of the insect, as to tramp on the toes of one of these spirited, tall sons of the mountains, and not expect to be knocked down.”⁶ His words applied equally well to the McCoy.

The Hatfield and McCoy families belonged to the southern yeoman class. Devil Anse Hatfield and Randolph McCoy both owned considerable land and livestock.⁷ They and their relatives lived chiefly by farming and hunting, and in later years many of the menfolk engaged in logging operations. Like many dwellers in the hills, some members of the two families carried on the agriculturally related business of making whiskey, which they considered a legitimate way of marketing grain crops. They put up a stiff resistance to the law of 1862 which made illicit distilling a federal offense and which appeared to them a gross violation of individual rights and an unwarranted infringement upon the economic prerogatives of self-sustaining citizens. In this respect, their attitudes were precisely those which in 1794 had spurred Pennsylvania farmers to armed resistance of the whiskey tax imposed by the federal government as part of Alexander Hamilton’s financial plans.⁸

Casual visitors sometimes had difficulty in reconciling the independent economic circumstances of the families of the Tug Valley, such as the Hatfields and the McCoy, with the crude-ness of their dwellings. In 1888 T. C. Crawford, a reporter for the *New York World*, visited Devil Anse at his house on Island Creek, a tributary of the Guyandotte River. The clan leader had recently moved there after disposing of five thousand acres of land on the Tug River. The correspondent described Hatfield residence, which was similar to the one which he had left, as a two-room dwelling, one room of which served as a kitchen and dining area and the other as sleeping quarters. A narrow passageway between the two rooms was lined with beds and the loft provided additional sleeping space. The McCoy dwelling on Blackberry Fork was also a double log house, with the two parts connected by a roofed passageway. The main part of the house, commonly called the big house, was a story and a half high and the other, used as a kitchen and bedroom, was but one story.⁹

The isolation of the Tug Valley fostered a prolongation of frontier conditions in which education and organized religion suffered. In 1881 Logan County, which included present Mingo County, had seventy-eight schoolhouses, mostly one-room log structures, but as late as 1890 only 44 percent of the children of school age were enrolled in a primary school. A mere 24 percent of those enumerated were in average daily attendance.¹⁰ In an effort to provide an opportunity for learning, the Hatfields built a small log schoolhouse on Mate Creek. Its teacher, Charles Carpenter, was a staunch Hatfield partisan in their feud with the McCoy. Boasting that he had been shot at at least once a year for seventeen years, Carpenter impressed others more with his penetrating stare and eternal watchfulness than with his devotion to learning.¹¹

Similar conditions prevailed in Pike County, where the superintendent of schools reported in 1888 that “the greatest part” of the schoolhouses had been condemned under recent legislation and that the best teachers had left the county because of inadequate pay. Most of the Pike County school buildings, like those of Logan County, were constructed of logs.¹² School terms in both counties lasted about three months each year, which was about average for the Appalachian sections of their respective states. Under these circumstances, it is not surprising that the leaders of the Hatfield and McCoy clan and many of their supporters used their marks on legal documents, a forceful reminder of the high rate

of illiteracy in the mountains.

The weakness of the common school in Pike and Logan counties was matched by that of another civilizing influence, organized religion. Most of the Hatfields and McCoys appear to have leaned toward the Primitive, or Hardshell, Baptist Church. The Reverend Anderson ("Deacon Arise" Hatfield, a Kentucky cousin of the feud leader of the same name, pastured a church near the junction of Hatfield Branch and

Blackberry Creek in Pike County. At the time of the feud, however, neither of the clan leaders showed much interest in religion. The *New York World* correspondent who visited Devil Anse in 1888 asked his host about his religious views. Devil Anse allegedly replied, "I belong to no Church unless you say that I belong to the one great Church of the world. If you like you can say it is the devil's Church that I belong to."¹³ Randolph McCoy, according to a recent chronicler of the McCoy family, believed in God and was certain that no man in his right mind could doubt the existence of the devil, especially if he had lived near the Hatfields.¹⁴

The weaknesses of the school and the church in the Tug Valley contrasted sharply with the strong bonds that united families. Where the first two languished, family solidarity and loyalty to the clan assumed a special importance in the hearts of isolated mountaineers. The Hatfields and the McCoys exhibited many of the qualities of family life commonly associated with the southern Appalachian. Both families were large, and children were welcome additions. "Seems like a body ought to have at least twelve," a statement attributed to an unidentified mountain woman, might very well have been uttered by Levicey Hatfield or Sarah McCoy.¹⁵ Equally applicable to the feudists was the observation of one writer, "There is always a welcome for the new little son or daughter, while the affection of the older members of the family for the Teast one' is beautiful and touching."¹⁶ At the same time there existed a profound deference to the aged. Hatfields, for example, referred to Sarah McCoy as "Aunt Sally" and to James McCoy, her eldest son, as "Uncle Jim," while the McCoys spoke of Valentine Hatfield, the brother of Devil Anse, as "Uncle Wall."

The upbringing of the mountain boy requires special notice. He often grew up untempered by strong parental or social discipline and with "neither training nor example in self-control." Sometimes his father, in furious temper, whipped him, and at times his exasperated mother carried out an oft-made threat to "wear him out with a hickory," but most of the time he remained free to follow his own impulses. His diversions, such as hunting and fishing, were essentially solitary in nature, and his opportunities for acquiring self-control in social situations were limited.

In many mountain neighborhoods a "gang" spirit differentiated the boys "up the branch," for instance, from those "down the creek." Lacking constructive outlets for expression, this gang spirit often degenerated into a lawless independence and rural insularity manifested in "rocking" individuals and objects that met with disfavor, burning property, robbing orchards, and similar offenses. The mountain youth, sensitive and quick to take umbrage, passionately desired to be the victor in any difference with others. As one observer noted, "Ridicule or the suspicion that someone is 'throwing dirt off on him' he cannot bear, and he is quicker with a knife, or, when he is older, with the pistol, than with his fists."¹⁷

In their national backgrounds, religious outlook, educational attainments or lack of them, concerns for family unity, and concepts of child rearing, the Hatfields and the McCoys did not differ substantially from other southern Appalachian families. It is futile, therefore, to seek the origins of the feud in characteristics that were as common to families who did not resort to bloodshed as to those who did. The intense family loyalties, generally regarded as contributing to the dimensions of the

feud, for example, may have been offset to an extent by connections of the two clans with each other and with other families of the Tug Valley. Although the prevailing characteristics of Tug Valley society may not explain the reasons for the Hatfield-McCoy vendetta, they nevertheless provide an essential backdrop for any understanding of the circumstances which did produce it.

THE LEGACY OF THE CIVIL WAR

MOST WRITERS on the Hatfield-McCoy feud, regardless of their conclusions about its origins, agree that it did not begin before the Civil War. Some claim has indeed been made that the vendetta had its beginnings in the English civil strife of the seventeenth century, when the Hatfields allegedly supported Oliver Cromwell and the McCoys defended the rights of the Stuarts and Charles II. If any such division between the two families ever existed, it had totally subsided by the time they settled in Kentucky and West Virginia. For nearly half a century, in fact, they lived at peace with each other in the Tug Valley.

Before the outbreak of violence between their families, Hatfields and McCoys had occasionally intermarried. Two marriages that closely linked them before the end of the Civil War were those of Ephraim Hatfield and Elizabeth McCoy in 1859 and Ellison Hatfield and Sarah Ann Staton in 1860. Ephraim was a cousin of Devil Anse Hatfield, and Elizabeth bore the same relationship to Randolph McCoy. A closer connection between the two families appeared in the marriage of Ellison Hatfield, the brother of Devil Anse, and Sarah Ann Staton, a first cousin once removed of Randolph.¹ Both the Hatfields and the McCoys had intermarried with other prominent families of the Tug Valley, including the Whitts, Wed dingtons, Scotts, Blackburns, Justices, Clines, Staffords, Blankenships, Charleses, and Chafins. Many residents of Logan and Pike counties had relatives in both camps during the feud.

Despite the close relationships among the families living there, the Tug Valley experienced the same depth of division and bitterness commonly found in the border states in the Civil War period. The Hatfields favored the Confederacy, as did the majority of the McCoys, but a few of the latter supported the Union. The oft-repeated assertion that the immediate families of Devil Anse Hatfield and Randolph McCoy fought on opposite sides in the war and emerged from the conflict with enduring enmity has no foundation in fact.

About a week after he married Levicy Chafin, Anderson Hatfield joined a local militia company. Although some accounts state that in 1862 he enlisted as a first lieutenant in Company A, Forty-fifth Battalion, Virginia Infantry, and rose to the rank of captain, extant records show that he served as private in Company D and took unofficial leave on February 1, 1863. In late August of that year, however, he was a first lieutenant in Company B, which was then stationed at Saltville, Virginia.²

Devil Anse apparently deserted the Confederate service before the end of 1863. One explanation offered for his departure is that he refused to carry out an order of a court-martial to execute two soldiers, his cousin George Hatfield and Philip Lambert, for taking unofficial leave. Another version is that he lost interest in the Confederate cause after the death of his friend Brigadier General John

Floyd, who was removed from his command by President Jefferson Davis following the Union capture of Fort Donelson. Floyd later became a major general in the Virginia forces and served in the Battle of Sandy Valley, where he suffered an extreme exposure that may have contributed to his death on August 26, 1863. Either reason appears to be in keeping with the temperament and character of Devil Anse.

The desertion of Devil Anse, nevertheless, may also be viewed in a broader context. The entry of West Virginia into the Union on June 20, 1863, left Confederate sympathizers within its borders in a precarious position. They had much to lose, both in political rights and property confiscations, but open opposition to the new state in which they resided. By the latter part of 1863 Union forces clearly had the upper hand in most of West Virginia and in eastern Kentucky as well. Moreover, the tide of war had turned against the Confederacy on nearly every major battlefield. Recognizing that their families and property at home were in grave jeopardy and having no desire to become martyrs to a lost cause, numerous Hatfields and McCoys, as well as members of other Tug Valley clans, began to desert the Confederate ranks in the autumn and winter of 1863. The Hatfield deserters included not only Devil Anse but also two of his brothers, Ellison, a second lieutenant, and Elias, a private, and his cousin Ephraim in Company B of the Forty-fifth Battalion. Among the McCoys who left Confederate service was Selkirk, who resided in Logan County. Randolph McCoy also apparently took unofficial leave in 1863, although some accounts maintain that he spent the last years of the conflict as a prisoner of war.³

Upon leaving Confederate service, Devil Anse formed a militia unit of Home Guards known as the Logan Wildcats, which operated in Logan, Wayne, Cabell, and other border counties of West Virginia. He and his men may also have ventured into Kentucky. A quarter of a century later, in an interview with a reporter for the *Wheeling Intelligencer*, Devil Anse named three McCoys who had served in his company. According to some accounts, which appear reliable, Randolph McCoy himself was for a time a member of the organization. The loyalties of these men appear to have been flexible, and there is no reason to believe that their activities differed from those of similar guerrilla bands in the Appalachian Mountains.⁴

Both Hatfields and McCoys engaged in irregular military activities, either in the name of the Home Guards or the Confederate Army, which left a legacy of bitterness and resentment between members of the two families. In 1863 Ellison Hatfield, Henry Davis, Moses Chafin, and probably one other person met Asa Peter McCoy and his brother John in the woods near McCoy's home on Brushy Creek in Pike County, and an exchange of gunfire occurred. Later Hatfield and his companions drove off four of McCoy's hogs, weighing about two hundred pounds each. According to Davis and Chafin, they took the hogs to the home of John Murphy on Mate Creek, in Logan County, where they divided them. In 1872, nine years later, McCoy still had an unsettled suit against those who had taken his hogs. Significantly, Asa Peter McCoy was the brother of Randolph, and Ellison Hatfield was the brother of Devil Anse.

A similar suit involved a charge by Basil Hatfield, a first cousin once removed of Devil Anse, against nine men, among whom were Moses Chafin, Joseph Smith, John Murphy, John Gooslin, and Andrew McCoy, the last possibly a brother of Randolph McCoy. Hatfield charged the party with taking "six head of fat hogs" from him by force in January 1863. Gooslin contended that they had paid Hatfield for the hogs, which they allegedly acquired for Confederate military forces. Some of the defendants, however, settled their differences with Hatfield by compromise. Others were found not guilty.⁶

In 1864 Daniel McCoy and seven other men allegedly seized at gunpoint eight sides of leather belonging to Thomas Hatfield, scattered tan ooze throughout Hatfield's home, and destroyed one of his bee gums. In his defense McCoy declared that he and the others were regular Confederate soldiers under the command of Captain Melville Lawson of the Tenth Kentucky Confederate Cavalry and that they had been detached under Lieutenant Joseph Smith, one of those charged with taking horses belonging to Basil Hatfield, to obtain the leather. Hatfield, who took his case to court in 1865, remained dissatisfied.⁷ Pleasant McCoy, a brother of Randolph, was accused by James H. Lesley of stealing three horses in 1863, but McCoy denied that he had ever taken "a horse beast of any description" "from Lesley or anyone else."⁸

Other litigation of a similar nature sprinkles the pages of the Pike County Circuit Court records in the 1860s and 1870s. It leaves no doubt that both Hatfields and McCoys sought personal advantage from disturbed conditions in the Tug Valley and that the Civil War left a residue of ill will that provided a climate conducive to trouble, particularly at times when members of the two families were under the influence of alcohol.

By far the most serious Civil War incident involving the Hatfields and McCoys resulted in the death of Harmon McCoy on January 7, 1865. Harmon, a younger brother of Randolph, waited nearly two years after the war began before he chose sides. He remained at home and tended his farm, cut timber and rafted logs down the Tug Fork and the Big Sandy. By 1863, however, Union armies had cleared most of Kentucky of Confederate forces, and much of the remaining fighting took the form of guerrilla warfare. Shortly after the birth of his fifth child, Harmon broke with most of his own family and went to Ashland, where he joined Company E of the Forty-fifth Regiment of Kentucky Infantry Volunteers of the United States Army. He enlisted as a private for twelve months. Harmon's military record is spotty, but he spent some time in a Lexington hospital with a broken leg. On December 2, 1864, he was mustered out of service at Catlettsburg.

About the end of December Harmon returned to his home on Peter Creek, but his former friends and neighbors did not extend him a cordial welcome. According to one account, James Vance, an uncle of Devil Anse Hatfield, met Harmon and promised him that the Logan Wildcats would soon pay him a visit. A few days later someone fired at him from ambush as he drew water from his well. Knowing that to remain at home would mean almost certain death, Harmon hid out in a nearby cave. His black slave, Pete, carried him provisions. The guerrillas, most of them apparently West Virginians, traced Pete through the snow to the cave. There they found Harmon, lame and suffering from lung trouble, and killed him.

When Harmon McCoy's body was found, the blame for his death almost naturally fell upon Devil Anse and the Logan Wildcats. Some associates of Devil Anse, however, maintained that at the time of Harmon's death their leader was confined to his bed with a high fever. More likely the real culprit was Jim Vance, a close associate of Devil Anse, who lived on Thacker Creek about four or five miles from Harmon's home. The tall, heavy-set, dark-bearded Vance, himself a later casualty in the feud between the Hatfields and the McCoys, had a reputation, even among his rough associates, for ruthlessness and vindictiveness.

No one was ever brought to trial for the murder of Harmon McCoy. Most of the residents of the Tug Valley probably felt little sympathy for their Unionist neighbor, and even members of the victim's family may have reasoned that he brought his fate upon himself. Harmon's death and the suspicion that fell upon Devil Anse and Jim Vance added a new chill to relations between the Hatfields and the McCoys, which suffered already from the animosities and injuries incident to the Home Guard and

guerrilla activities during the last years of the Civil War.⁹

The persistence of grievances deriving from the war does much to explain why a seemingly minor dispute over a hog could produce such enmity between the Hatfields and the McCoys that many writers have considered it the cause of the feud. Mountain families customarily allowed their hogs to run at large in the woods and feed on the mast of beechnuts and acorns that abounded there. Each owner identified his hogs, which were of the long, lean, sharp-nosed variety known locally as razorbacks, by marking their ears with slits, clips, or bits that clearly distinguished them from those belonging to his neighbors.

In the autumn of 1878 Floyd Hatfield, a cousin of Devil Anse, went into the hills, rounded up his hogs, and drove them into pens for fattening at his home near Stringtown, on the Kentucky side of the Tug Fork. Not long afterward, Randolph McCoy, who lived a mile or two away on Blackberry Fork, stopped to exchange a few remarks with Hatfield near the latter's pigpen, when he chanced to see a hog which he said bore the McCoy markings. The hot-tempered McCoy immediately accused Floyd Hatfield, who some writers have erroneously stated was Randolph's brother-in-law, of penning up one of his hogs. Floyd vehemently denied stealing a hog, a charge always taken seriously in the mountains.

Unwilling to forget the matter, Randolph went immediately to the Reverend Anderson Hatfield, local justice of the peace, who lived a few miles away in Raccoon Hollow. There he brought suit against Floyd Hatfield for recovery of the hog. On the day of the trial, as G. Elliott Hatfield has stated, "the mountaineers deserted their corn fields, moonshine stills, and logging projects to witness the administration of justice at Deacon Hatfield's cabin." Hatfields and McCoys, along with relatives on both sides, arrived in considerable numbers. Members of the two clans, well armed with rifles and revolvers, were more interested in seeing their kinsmen vindicated than in observing the workings of justice.

Deacon Hatfield's situation was fraught with danger. Any decision that he might render was certain to leave one side deeply aggrieved. He therefore resorted to the use of a jury consisting of six Hatfields and six McCoys, hardly the most promising procedure, considering the cold relations between the two families. Among the witnesses called was William Staton, a nephew of Randolph McCoy. Staton's sister Sarah had married Ellison Hatfield, a younger brother of Devil Anse. Staton, who lived on Mate Creek not far from the leader of the Hatfield clan, swore that he had seen Floyd Hatfield mark the ear of the hog with his own brand. His testimony produced a wave of audible indignation among the McCoys, but the stern manner of Deacon Hatfield and the expectation that the McCoy faction of the jury would stand by Randolph combined to prevent more than angry muttering.

The McCoys and their partisans were totally unprepared for the verdict of the jury, which cleared Floyd Hatfield of the charge against him. To their astonishment, Selkirk McCoy, a cousin of Randolph, declared that he could find no evidence to contradict the testimony of Bill Staton and voted for acquittal of the defendant. From that time on, the McCoys considered Selkirk, whom they had counted on to be a safe juror, an enemy and a traitor to the family. During the months and years that followed, Selkirk, knowing that there was no neutral ground in the trouble between the two families, identified himself completely with the Hatfields.¹⁰

The unwillingness of the McCoys to accept the decision of the court illustrates one of the problems in establishing a reign of law in the mountains. Judges, justices of the peace, and jurymen, as well as sheriffs, their deputies, and constables, were often so closely related to the litigants that legal decisions were seldom accepted as impartial and final. For the litigious McCoys, legal machinery was but a vehicle for attaining their purposes. They, like the Hatfields and other mountain families, had little real appreciation for the majesty of the law or faith in its just execution. Consequently, when

legal decisions did not satisfy them, they resorted to the law that might makes right, a concept that had received powerful reinforcement during the Civil War, when Home Guards and vigilante groups provided much of the law of the hills.

For Bill Staton the infuriated McCoys had no forgiveness. In the months following the trial, Staton sensing that discretion was indeed the better part of valor, kept to the West Virginia side of the Tug Fork. Yet, he was involved in two or three incidents that arose from the seething hatred against him. The first occurred when he and his brother John, who were laboriously poling a pushboat up the Tug Fork, rounded a bend in the river and suddenly came upon a boat headed downstream and manned by Floyd and Calvin McCoy, sons of Randolph. Both parties immediately poled their crafts to shore and from opposite sides of the river opened fire upon each other. Fortunately, darkness fell before anyone was killed.

Another incident allegedly took place when Sam McCoy, a nephew of Randolph, encountered Staton and Ellison Hatfield tracking a deer on Mate Creek. Sam shot Staton's gun out of his hand and then rushed at him with the intention of killing him. Ellison quickly jumped between the two men and prevented Staton, as well as Sam, from firing. Ellison told them that the trial over the hog had been fair and advised them to forget the matter. Sam left, vowing that he would yet get Staton.

Bill Staton did not take Sam McCoy's threat lightly. One day, while he was hunting about a mile from the Hatfield Tunnel of the Norfolk and Western Railway, between the present towns of Williamson and Matewan, West Virginia, Staton spied Sam McCoy and his brother Paris. Staton was certain that the McCoys had not seen him and hoped to make the most of his advantage. Accounts of what happened next, however, are so contradictory that none can be accepted as unquestionably correct. According to one version, Staton fired at the McCoys and hit Paris, who collapsed to the ground with a shattered hip. Sam then shot Staton and inflicted a mortal wound. Taking no chance that his enemy might fire again, Sam jumped upon the wounded Staton, who had either dropped his gun or had it forced from him, and shot his adversary again. Another account has Staton leaping upon Paris and sinking his teeth into Paris's jugular vein, whereupon Sam, observing his brother in mortal peril, killed Staton. For good measure, the latter account adds that the hold of Staton upon Paris was so strong that Staton's jaws had to be pried loose after he died.

The McCoy brothers left Staton in the woods. When his body was discovered, the finger of suspicion pointed toward Sam and Paris, who, according to some versions of the story, hid in a cave. Ellison Hatfield, it is said, swore out a warrant for their arrest and asked Devil Anse to serve it, but the latter allegedly refused on the ground that he and the McCoys had been on good terms during the preceding months.

In due course Sam McCoy stood trial for the murder of Bill Staton. He was arraigned in Logan County before Justice of the Peace Valentine, or Wall, Hatfield, a brother of Devil Anse, and a Hatfield-picked jury. Sam's acquittal, on the basis of self-defense, came as a great surprise to the McCoys, but any satisfaction they may have taken in the workings of legal machinery in Logan County was more than offset by their anger that West Virginia authorities had brought Sam to trial at all. Nor did the possibility that Devil Anse himself may have given the word to his brother and the jurors to refrain from any vindictiveness, as some writers have suggested, ameliorate the hostility felt by the McCoys.¹¹

The trouble over the hog and the killing of Bill Staton added fuel to the fires of hatred that blazed between the Hatfields and the McCoys. Yet, neither marked a clear beginning of the feud, which seems to have had no single point of origin but to have developed from an accumulation of honest grievances and imagined wrongs. The two incidents, like the Home Guard and vigilante activities

during the Civil War and the killing of Harmon McCoy, contributed to the tense relations that exploded in the bloody and dramatic events of the 1880s and made the names of Hatfield and McCoy familiar throughout America.

ELECTION DAYS ON BLACKBERRY CREEK

IN THE MONTHS following the death of Staton the Hatfields continued to make frequent journeys into Kentucky, but they always traveled in well-armed bands. One reason for their caution lay in the numerous legal charges against them in Pike County. They included complaints against Devil Anse and Johnse for carrying concealed and deadly weapons, against Floyd Hatfield for giving spirituous liquors to a minor, and against Devil Anse and his brother Elias, as well as Thomas Chafin, Moses Chafin, John Staton, the brother of Bill, Elias Hatfield, Jr., Floyd Hatfield, and Frank Elam, for banding together for the purpose of annoying and disturbing other persons and committing a felonious act. Pike County officials, however, feared to serve warrants against the Hatfields and their friends who violated Kentucky law with impunity and had no intention of formally answering any of the charges.¹

The display of armed might by the Hatfields did not prove a sufficient deterrent to further conflict between them and the McCoys. The spring election of 1880 in Pike County brought a new source of trouble. The polls for the Blackberry Creek precinct, where most of the McCoys voted, opened at the house of Jeremiah, or Jerry, Hatfield, which was centrally located at the confluence of Hatfield Branch and Blackberry Creek. The women of the precinct brought an assortment of homemade foods, which they served at convenient locations beneath the fine shade trees that surrounded Jerry Hatfield's house. The men, particularly the candidates, provided more than ample supplies of whiskey for the voters, most of whom cast their ballots early and then remained with their families throughout the day to take advantage of the food and drink and the social opportunities.

The West Virginia Hatfields customarily attended the local elections in Pike County, since they were related to many of the candidates and, like the Kentuckians, enjoyed the social atmosphere. About midmorning a Hatfield party, including Devil Anse and his sons Johnse and Cap arrived at the Blackberry Creek polling place. Their presence transformed what might have been merely a day of raucous inebriation into another tragic event in the lives of the Hatfields and the McCoys.²

Johnse Hatfield endeavored to add a bit of romance to the potentially dangerous mixture of politics and liquor that characterized elections on Blackberry Creek. G. Elliott Hatfield described Johnse as "a small-boned rounder of eighteen, on this occasion ... dressed fit to kill—yellow shoes, new mail order suit, and a high celluloid collar. He was ruddy faced, ham-handed, and sandy haired, with a pair of insinuating blue eyes that set the mountain belles' hearts all a-flutter. He was a great fellow for putting on the dog."³ Johnse's way with the girls in every way matched his talents for making and selling moonshine, which he carried on with a flagrant disregard for anti-liquor laws.

Not long after the arrival of the Hatfields, a horse approached the polling place, bearing Tolbe

McCoy, the twenty-seven-year-old son of Randolph, and, riding behind him, his twenty-year-old sister Rose Anna. Although Johnse had already met Rose Anna, he now found the dark-haired, dark-eyed girl, regarded as one of the most beautiful in the mountains of Pike County, entirely captivating. In the gala atmosphere of the election, he conversed with her in a way that gave no indication of the deep animosities between their families.

Exactly what happened in the ensuing hours is not known precisely, although some writers have described events with an assurance born of their own invention. Apparently, in the afternoon, when many of the men traded stories and yarns or slept off the effects of alcohol and overeating and the women exchanged gossip, Johnse, his judgment already clouded by drink, and Rose Anna, who felt a singular attraction for him, wandered off to a secluded spot. When they returned about dusk, most of the people had left. Rose Anna evidently expressed great fear of returning home and facing the wrath of her father, and Johnse persuaded her to accompany him to the Hatfield residence on Mate Creek. Probably traveling by way of Peter Branch of Blackberry Creek and along Poundmill Run, they at last reached the narrow valley of the Tug. They passed a cliff of coal or slate, on the top of which grew a large chestnut tree, dying, so some said, because of the large number of buzzards that had roosted there in order to eat the dead Yankees that Devil Anse had killed. Finally, they crossed the log bridge that spanned the small stream in front of the Hatfield house.

Once the Hatfields overcame their surprise, they welcomed Rose Anna with their customary hospitality. Most accounts state, however, that Devil Anse raised strenuous objections when Johnse announced his desire to marry Rose Anna. Johnse evidently did not press the matter, perhaps because he had interests in other girls, including Mary Stafford and Nancy McCoy, both cousins of Rose Anna.

Randolph McCoy apparently endeavored to persuade his errant daughter to return home. According to most accounts, he sent three of her sisters, Alifair, Josephine, and Adelaide, to plead with her, but one writer names John Hatfield, a law officer related to both the Hatfields and the McCoy's, as his messenger. Rose Anna waited several months before leaving the Hatfields. By then she had become convinced that Johnse would never marry her or cease his pursuit of other women. Most writers have stated that Rose Anna went at once to the home of her aunt, Betty Blankenship McCoy, at Stringtown or present Burnwell, Kentucky. Betty McCoy was the widow of Allen, the brother of Sarah McCoy, and herself the mother of eleven children. She received the unfortunate Rose Anna with kindness and affection.⁴

Johnse did not leave Rose Anna in peace. When he learned that she was with her Aunt Betty, he began to visit her. The McCoy's heard of the visits and determined to put a stop to them. One October evening Johnse and Rose Anna met by prior arrangement at their rendezvous near Tom Stafford's farm between Stringtown and Matewan. They were taken by surprise when suddenly several members of Rose Anna's family, including Randolph and her brothers James, or Jim, Tolbert, and Pharr, emerged from the bushes. Jim, an officer of the law, told Johnse that the McCoy's intended to take him to Pikeville and turn him over to authorities to answer the many indictments against him, from carrying a concealed weapon to selling moonshine whiskey.

Convinced that her family intended to kill Johnse, Rose Anna hastened to the farm of Tom Stafford where she borrowed a horse, and sped off for Mate Creek to warn the Hatfields. At the cabin of Eli Hatfield, the brother of Devil Anse, she found the clan leader himself. Upon hearing Rose Anna's story, Devil Anse quickly gathered several men, including his son Cap, his brothers Ellison and Eli, Jim Vance, Tom Chambers, and Moses Christian, to go to the relief of Johnse.

Making use of shortcuts, the Hatfields overtook the McCoy's and their captive with little difficulty. They surprised the outnumbered McCoy's and released Johnse without firing a shot. According

some accounts, Devil Anse intended to shoot Jim McCoy, who had arrested Johnse, but Elias and Johnse himself dissuaded him from violence. Descriptions of the rescue, like other events of the feud, vary so greatly that there is no way of determining exactly what happened. One version of the story maintains that after Devil Anse rescued Johnse, he commanded the McCoy's to kneel down and pray. All allegedly obeyed except Jim, who remained standing and dared the leader of the Hatfield clan to shoot. Forced to respect Jim's courage, Devil Anse refrained from using his gun.⁵

By the time of the capture and rescue of Johnse, Rose Anna may have been expecting a child, a circumstance that undoubtedly would have contributed to the unforgiving attitude of her father. Whether a child was actually born, however, remains uncertain. A McCoy tradition maintains that Rose Anna gave birth to a daughter, Sarah Elizabeth, who lived for about eight months and at her death was buried in the McCoy Cemetery near Stringtown. Cap Hatfield, interviewed in 1929, also stated that Rose Anna had a daughter. G. Elliott Hatfield, however, seems to accept a statement attributed to the *Louisville Courier-Journal* that Rose Anna's child was a boy named Melvin, who was still living on January 1, 1888. Yet another tradition is that Rose Anna contracted measles and had a miscarriage.⁶

Rose Anna's later years were not happy ones. Although the Hatfields, including Devil Anse, held her in new respect for her part in warning them of Johnse's capture by the McCoy's, she was never to be accepted by the Hatfields. Johnse was a man of wandering ways, and after his narrow escape at the hands of Rose Anna's father and brothers, he abandoned her. Nor did Rose Anna's family show a forgiving spirit. Randolph McCoy, in particular, regarded her message to the Hatfields as an unpardonable sin. The troubled relations between Johnse and Rose Anna ended on May 14, 1881, when Johnse married his cousin Nancy, the daughter of Harmon McCoy, who had been killed in 1865, the year of Nancy's birth.

Dramatic as was the romance of Johnse and Rose Anna, it did not cause the feud between the Hatfields and the McCoy's. By the time that Johnse took Rose Anna home to Mate Creek the two families had grown accustomed to periodic outbursts of trouble, which eventually subsided. Moreover, the battle lines were never as distinct between them as some writers have maintained. When the McCoy's killed Bill Staton, they ended the life of a man who was really more McCoy than Hatfield. Jeff McCoy, Nancy's brother, visited the Hatfields on Mate Creek and received a warm welcome, and the Hatfields continued their ventures into Pike County, although Johnse, in obedience to the wishes of Devil Anse, discreetly remained in Logan County and did not exacerbate the wounds of the McCoy's.

Considering the trouble that grew out of the election of 1880, the Hatfields might very well have given serious thought to the danger of attending another one on Blackberry Creek. Such, however, was not their way. When the polls opened at the Blackberry Creek precinct on Monday, August 7, 1882, at the home of Jerry Hatfield, the West Virginia Hatfields appeared, as was their custom. Among them were Elias and Ellison, brothers of Devil Anse. Also present was another Elias, "Bad Lias," the brother of Deacon Anderson Hatfield. "Bad Lias," a hard drinker and a contentious man, lived about two miles up Blackberry Creek. Early in the day, after the whiskey had begun to flow, Tolbert McCoy, the son of Randolph, accused "Bad Lias" of owing a small sum of money, about \$1.75, for a fiddle, but Hatfield angrily protested that he had paid Tolbert about three years previously.

With a fight in the making, Tolbert's younger brothers, nineteen-year-old Pharmer and fifteen-year-old Randolph, Jr., backed up his accusation. Deacon Anse, however, broke up the argument. As the day wore on, trouble flared anew, but the constable, Matthew Hatfield, was able to reduce the weapons from guns to fists. At that juncture Ellison Hatfield roused from a drunken slumber and made remarks to Tolbert which led him to turn his wrath upon Ellison. He attacked Ellison with a knife and slashed away at his stomach. Ellison tried unsuccessfully to take the knife away from Tolbert, but the two

younger McCoys rushed to the aid of their brother and began cutting away at Ellison. When Deacon Anse again tried to separate the antagonists, Ellison grabbed a rock. At that instant Pharmer resorted to his pistol and shot Ellison in the back. Elias, the brother of Ellison, although still under the influence of liquor, forced the revolver from Pharmer's hand and tried to shoot him. The McCoys at that point ran and sought cover in the nearby woods.

Pursuers quickly overtook the fleeing McCoy brothers and put them in the custody of Justices of the Peace Joseph and Tolbert Hatfield and Constable Matthew Hatfield. Preferring the mercy of the law to the wrath of the Hatfields, the McCoy brothers offered no resistance when the constable placed them under arrest. Observing twenty-six deep gashes among Ellison's wounds, in addition to the bullet hole and anticipating quick revenge by the Hatfields, Deacon Anse urged that the McCoys be moved to the Pikeville jail immediately. Randolph McCoy reminded the minister, however, that the McCoys were also fighters.⁷

Meanwhile, some of the men made a crude stretcher and carried Ellison across the Tug Fork to the home of Anderson Ferrell, in Warm Hollow, just below the mouth of Blackberry Creek. Believing Ellison to be dying, they sent word to his family. Upon receipt of the news, Valentine, or Wall Hatfield, the brother of Ellison, sprang to action. He rounded up three Mahon brothers, Dock and Plyant, his sons-in-law, and Sam, all nephews by marriage of Ellison, and the next morning about daybreak they set out for Kentucky. Proceeding by way of Poundmill Run and Blackberry Creek, they very soon encountered Elias, who informed them that Ellison had been taken across the river to Logan County and that the McCoys were under arrest. Wall and Elias agreed to continue on alone and see the Mahons home.

The guard escorting the McCoys to Pikeville, contrary to the advice of Deacon Anse, had taken the prisoners to Floyd Hatfields for food and spent the night at the house of John Hatfield, farther up Blackberry Creek. The party left for Pikeville about eight o'clock on the morning of August 8. It had gone only about a mile when Wall and Elias overtook it. Wall, himself a justice of the peace, insisted in tones of reason and restraint, that the McCoys be tried in the district in which the crime had occurred. He also expressed a desire to obtain relevant testimony from his aged uncle, Valentine Hatfield, and Dr. Jim Rutherford. After some consideration the Kentucky authorities agreed to Wall's request.

Before the men resumed their journey, Devil Anse and a large party of Hatfield supporters arrived all fully armed. After visiting Ellison at Warm Hollow, Devil Anse and his men had spent the night in an abandoned house near the mouth of Blackberry Creek. The next morning they met the Mahon brothers, who joined them, and all continued to Deacon Anse's, where they obtained food. Devil Anse then stepped forward and called upon all friends of the Hatfields to form a line. Those who joined him included Johnse, Cap, Alex Messer, Joe Murphy, the Mahon brothers, Charley Carpenter, Dan and Jerry Whitt, Tom Chambers, and others. Devil Anse announced to the helpless guards that the Hatfields would take charge of the McCoys, who had been placed in a corn sled, a boxlike vehicle on runners. Carpenter then tied the McCoys with a rope, which he had obtained at Jerry Hatfield's.

Clearly the Hatfields had the upper hand. Wall allegedly turned to Randolph McCoy, who had remained with his sons, and threatened that they would die if any attempt were made to bushwhack the Hatfields. Knowing that he could do nothing to aid his sons and having no confidence in Wall's assertion that all that the Hatfields wanted was that the civil law should take its course, Randolph mounted his horse and sped away for Pikeville for help. After the Hatfield party had ridden about a mile, Devil Anse told Jim McCoy, the older brother of the prisoners, to go back and, according to his own admission, considered forcing the Pike County officials to return also.

At the mouth of Blackberry Creek the Hatfields found a skiff. Devil Anse, Wall, Johnse, Carpenter and Murphy forced the McCoy's into it and crossed the Tug to the West Virginia shore. They led the McCoy's upstream and, with dusk approaching and rain threatening, conducted them to an unused log schoolhouse on Mate Creek. About dark, in the midst of a drenching rain, a messenger arrived with report that Ellison's condition had worsened. The Hatfields hung a lantern near the schoolhouse door, posted guards inside the building and in nearby areas, and waited for further developments.

Not long afterward, while Wall was on guard, Sarah McCoy and her daughter-in-law Mary Butcher, the wife of Tolbert, appeared. Recognizing the women, Wall stopped them at the steps of the building. Sarah began a tearful plea for permission to see her sons. Both Wall and Devil Anse had mixed feelings about granting her request, but Devil Anse finally gave the word to allow them to enter, and he and Wall permitted them to spend a considerable time with the prisoners. By ten o'clock Sarah was crying, praying, and pleading, was nearing hysteria. Charley Carpenter, one of the guards stationed among the trees surrounding the schoolhouse, commanded her to cease. About that time someone shouted that Randolph McCoy was across the Tug Fork, organizing a rescue party, a rumor without a shred of truth. The Hatfields thereupon ordered the sobbing women to leave. They disappeared into the darkness, to spend the night at the home of Dr. Jim Rutherford.

The next morning, while Mary still slept, Sarah returned to Mate Creek, but Wall warned her not to leave and not come back. Periodic news concerning Ellison left no doubt that he lay near death, and several of the numerous Hatfield clan who visited the schoolhouse to see the prisoners freely predicted that the McCoy brothers themselves had but a short time to live. Ellison ("Cotton Top") Mountjoy, reputedly the son of Ellison Hatfield, entered the building and made threats against the McCoy's, but Wall ordered him out.

On Wednesday, August 9, 1882, Ellison died. Already, Devil Anse, who had visited his dying brother and heard from his own lips an account of the election-day fight which implicated all three of the McCoy's, had decided upon a course of action. When news of Ellison's death reached the schoolhouse, a band of Hatfield partisans helped the prisoners to their feet and marched them off to Kentucky. On the way they met Joe Davis, a witness to the death of Ellison, who confirmed that Randolph, Jr., the youngest of the three brothers, had assisted Tolbert and Pharmer in the stabbing of Ellison. At the mouth of Mate Creek they crossed the Tug Fork to the Kentucky side. There, in a small depression, not far from the riverbank, they stopped and bound the McCoy's to some pawpaw bushes. Then, within the space of a few seconds, they fired some fifty shots into the brothers.

Jim McCoy, who had already heard of Ellison's death, was sitting on the porch of Asa McCoy's cabin, at the mouth of Sulphur Creek, during the firing. Hearing the fusillade, he moved to the edge of the porch and obtained a glimpse of the flashes of the last shots. Later that night, Jim, suspecting that the Hatfields had carried out a threat to put an end to his brothers, gathered some of the men of the neighborhood, including Anderson Ferrell and Sam Simpkins, and crossed over to the Kentucky side of the Tug River. With the aid of lanterns, they climbed to the scene of the shooting, near a sinkhole where men had earlier thrown the carcasses of sheep-killing dogs. Swinging from the bushes were the bullet-riddled bodies of Tolbert and Pharmer. Tolbert's hand was clasped over his head, as if to ward off the bullets, one of which had passed through his skull. Young Randolph remained in a kneeling position, with the entire top of his head blown off.⁸

Following the grisly events of August 9, funerals were held on both sides of the Tug Fork. On the afternoon of August 10 friends of the Hatfields carried the coffin of Ellison Hatfield from the home of his brother Elias to a grave prepared nearby. The following day a similar procession left the McCoy house bearing three hastily constructed coffins. It wound its way down the trail a short distance and

then ascended a steep path to a burial ground on a cleared mountain shelf, where the bodies of Tolbert Pharmed, and Randolph, Jr., were lowered into a single grave.⁹

One significant difference marked the two funerals. That of Ellison Hatfield represented a death avenged. The McCoys went to their graves without retribution by either law or family. Almost immediately after the discovery of their bodies, the coroner had held an inquest, but the jury had announced that they had been killed by persons unknown, a report technically true, since no witness testified against the Hatfields and their friends and all evidence of guilt was purely circumstantial.¹⁰

Although he knew that the alleged murderers resided in West Virginia and that there was almost no chance of extradition, Judge George N. Brown of the Pike County Circuit Court determined that the form if not the substance of justice must be satisfied. He charged a grand jury, without a Hatfield or McCoy as a member, with naming the killers of the McCoys. After ten days of deliberation, the grand jury returned indictments against twenty men. They were Devil Anse Hatfield, his brothers Wall and Elias, his sons Cap and Johnse, Charley Carpenter, Joe Murphy, Dock, Plyant, and Sam Mahon. Selkirk McCoy and his sons Albert and L. D., Tom Chambers, Lark and Andrew Varney, Dan and John Whitt, Alex Messer, and Elijah Mounts.

Four days later, on September 18, 1882, Judge Brown issued bench warrants for Jacob Pucker, Matthew Hatfield, the Reverend Anderson Hatfield, Richard Hatfield, James McCoy, Tolbert McCoy, an uncle of the murder victims, James Francisco, Anderson Ferrell, John C. Francis, Samuel Simpkins, Uriah McCoy, George Sprouse, Floyd Hatfield, Harriet Simpkins, Mont Stafford, Scott Allen, and Sarah McCoy as witnesses for the state.¹¹

When the next term of court convened in February 1883, the sheriff reported that he had been unable to arrest any of the twenty men named in the indictments. Beside each name in the court records he wrote, "Not found in this county February 19, 1883," a phrase that meant nothing more than an admission of the unwillingness of the sheriff and his men to confront the Hatfields, who continued to cross the Tug Fork into Kentucky, but always in heavily armed bands. For over five years the Hatfields and their associates escaped arrest. Their open defiance of civil authority in Kentucky further weakened an enfeebled system of justice in Pike County and contributed to a prolongation of the feud.¹²

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