

ATHENAEUM SOCIETY
February 1, 2001
William M. Rowlett, MD

"The Shoot-Out That Didn't Happen"

How could an angry lynch mob in Murray involve Hopkinsville? As it turns out, in many ways. People from small towns in Western Kentucky generally get along pretty well with inter-marriages, business connections and college friends playing a part. Some people like Dan Kemp, Nick Terhune and myself wanted to live close to where we grew up – but not too close. The memory of the local gentry and of old girl friends regarding teenage escapades can last a long time. Murray High and Hopkinsville High have had a long football rivalry, and unlike that with Mayfield (home of pretty girls, ugly boys and dirty football), a hard fought but clean game usually resulted when Tiger faced Tiger. A lot of Hoptown players went on to play football at Murray State where we got to know many and found them to be hail fellows well met. John Hackney, Charlie Russell, Joe Yancey, Bob Griffin, Bailey Gore, David Clark, Pete and Perk Marquess were among others in the late 1940's and early 1950's. My present paper has nothing to do with football but harkens back to a time when feelings were high and a group of Hoptown men threatened to go to Murray and rescue their hometown Judge who was in somewhat of a Sticky Wicket.

My new friend, Chuck Shuffett is Editor of "the Murray Montage", a monthly tabloid which is a potpourri of historical stories, jokes, regular columns, recipes and other bits of local color and is free to the readers but supported by Ads from local businesses. For the past several months, Chuck has presented in serial form the saga of " The Commonwealth vs. Lube Martin" which covered a period of time between December 1916 and February 1917 in Murray. Chuck has given me permission to borrow heavily from his account, so I have and gratefully acknowledge it as a major source.

The principal actors in this drama are (1) Guthrie Duiguid, 60 year old white male, and Deputy town Marshal, the murder victim. (2) Lube Martin, 32 year old black male who shot and killed Diuguid. (3) Circuit Judge Charles H. Bush of Hopkinsville, presiding

judge (4) Augustus. Owsley Stanley, Governor of the State of the Kentucky. Supporting cast members include (1) an angry mob of Calloway County men. (2) Company D, Third Regiment, Kentucky National Guard. (3) A group of alarmed Hopkinsville citizens, and (4) A jury of Christian County men impaneled to hear the trial.

Who was (1) Guthrie Diuguid? The son of a prominent family and 60 years old, Guthrie was attracted to Lube Martin's wife Bettie who was described as light skinned and a real beauty. They apparently had several trysts and when her husband found out about it went to the County Court to obtain a restraining order which directed Diuguid to stay away from Martin's wife, home and other property. Diuguid ignored the order and the trysts continued but when the City Council Members learned of the restraining order, they rejected his application to become Chief Town Marshal. Only through political influence, was he able to keep the job as Deputy. His brother Ed Diuguid, Sr. was the Mayor.

Who was (2) Lube Martin? A 32 year old black male who was described as well-built, light skinned with good features and "not afraid of a circular saw and it running". He was the grandson of slaves and worked as a railroad lineman on the NC&St.L railroad. Lube lived in his own home near the tracks in east Murray. Because of the conflict with Diuguid and probably death threats, he worked in Paris, TN, just 25 miles south of Murray. He made three or four trips back to Murray in 1916 to see his wife and children but took the precaution of debarking the train at Tobacco, a whistle stop four miles away and walking the tracks home in an effort to avoid meeting Diuguid.

Who was (3) Judge Charles H. Bush? Judge Bush was born in Montgomery County, TN. in 1856 and after the death of both parents at age 7 lived with his Uncle George B. Bush near Lafayette. He went to Paducah in 1877 where he studied Law for two years and was licensed to practice. In 1881, he moved to Hopkinsville and became known as an effective jury lawyer and engaged in nearly every important criminal case, mostly for the defense. Upon the death of Judge J. T. Hanbury in August 1916, he was appointed by Gov. A. O. Stanley to fill the vacancy and then was easily elected to the office of Circuit Judge, 3rd Judicial District, State of Kentucky in November, and re-elected for a second

term. Judge Bush retired in 1925 and resumed Law practice. Married twice, he had two daughters by the second wife and lived on East Seventh Street. Bush was a member and officer of the Ninth Street Christian Church and quoting Meacham was "a loyal and faithful Democrat who has uniformly voted the Democratic Ticket for over fifty years, and has been prominent in the Councils of the Democratic party." He died in 1952 and was buried in Riverside Cemetery.

Who was (4) Augustus Owlsley Stanley? A. O. Stanley, the 35th Governor of Kentucky, was the son of a minister who fought for the Confederacy. Born in Shelby County, he started his Law Practice in Henderson and was elected as U. S. Representative for the first of six terms in 1902. He gained huge voter acclaim for his role in repealing a Tobacco tax and was generally a progressive and also a "Wet". Known for his oratory, he was eloquent, flamboyant and intelligent. It is reported that he would stand before his audience, loosen his tie and start his talk. As his passion increased, he would throw off his coat and vest and spellbind the audience with mellifluous phrases. In the 1915 Gubernatorial race, Stanley, the Democrat ran against his close friend Edwin P. Morrow, a Republican. They traveled together across the state, stump-speaking and ripping one another apart during the day but often sharing the same Hotel room and bottle at night.. Like the 2000 Presidential contest, election day brought no resolution and in the final count Stanley won by 471 votes out of nearly 440,000 cast. Naturally he considered this a strong mandate from the people and with the support of the General Assembly helped pass a Corrupt Practices Act, a State Anti-Trust Law and set up a State Tax Commission which enabled more funding for Schools and for Government. He resigned as Governor in 1919 to fill a seat in the U.S. Senate but lost a bid for re-election in 1924 with strong opposition from such varied groups as the KKK, Dry forces, ex-Governor Beckham, Boss Haly and the Courier-Journal, to a political novice named Fred Sackett who had married into the moneyed Speed family of Louisville.

Having set the stage and introduced the main characters, let's get down to the action, although the reaction is more pertinent to title of our paper. On Friday, December 8, 1916, Lube Martin returned to Murray to visit his wife and family as unobtrusively as

possible. On Saturday morning December 9th, he went to the grocery store and post office to pick up a check and was headed up the hill on Curd Street for his father's house for dinner along with two brothers and a friend when whom should they encounter but Guthrie Diuguid. Diuguid confronted Martin, called him a black sob, moved a walking cane to his left hand and reportedly pulled out a .38 revolver with his right hand. Martin reached under his overall bibb, pulled out a pistol and shot Diuguid. Some witnesses claimed that two negroes held Diuguid while Martin shot him. The three men with him ran as did Lube while Diuguid hitched a ride on a freight wagon to Dr. Will Mason's Office for treatment and where he died two days later on December 11th. The other companions were rounded up but Lube fled to Tennessee where he was recognized, arrested and placed in the Humboldt jail awaiting extradition. Calloway Sheriff Wendell Patterson knew emotions were running high and therefore took his prisoner straight to the Hopkinsville jail for safekeeping, a wise precaution. The Paducah News-Democrat, the most widely read newspaper in the Purchase at that time, fanned the flames in typical rabble-rousing fashion with a feature article banner reading "Crime Was A Heinous One. Aged Brother of Attorney G. C. Diuguid of Paducah Shot Down in Cold Blood – Other Negroes Held." Within the body of the article was a statement, or rather a suggestion. It read " There has been some talk of lynching the Negro, but authorities are making every effort to see the law is permitted to take its course." This was significant because just a year or two before two blacks had been lynched in Paducah and Judge W. M. Reed's life threatened. A special Grand Jury returned a true bill of indictment naming the four defendants and a trial date set for January. Commonwealth Attorney Denny P. Smith would represent the State while Attorney Pat Holt, a red-headed Irishman was appointed as counsel for the defendant.

Tension was high in Murray, and on January 9, 1917 Lube Martin was escorted by Sheriff Patterson to Murray to stand trial the following day as scheduled. The Defense couldn't locate a star witness however and asked for a delay which Judge Bush granted and had Martin sent back to Hopkinsville, leaving at 5 am by foot to Almo to catch a train to Paducah then to Princeton and back to Christian County. Over one thousand men were in and around the Calloway County Courthouse that morning expecting a trial or

planning a lynching, so when Judge Bush stood up and announced a postponement, the crowd erupted in noise, surrounded Judge Bush and Attorney Smith and threatened their lives if Martin was not immediately returned and brought back for trial. A human horde blocked all four exits from the Courthouse and it was with great difficulty that Bush and Smith were able to reach the Murray House Hotel nearby, accompanied by a crowd which was being further inflamed by fiery speakers. The unruly mob then surrounded the Hotel and threatened to blast open the doors, drag out Bush and Stanley and lynch them if Martin was not returned at once. At this juncture, there is a difference of opinion of what happened. According to one account, Bush, in danger of his life sent word to Patterson to bring back the prisoner. The other version is that Rainey T. Wells and other prominent Murray men said they would personally guarantee the safety of the prisoner and provide fifty deputies to maintain order if he were returned. At any rate, Patterson was reached en route to Hopkinsville, at Princeton, and ordered to return Martin to the Paducah Jail until the following day when he would be transported back to Murray on the morning train.

Enter Governor Stanley. While attending a meeting at the Seelbach Hotel in Louisville, Gov. Stanley received a phone call from someone who identified himself as a Mr. Bernhard of Paris, Tenn. and informed him about the urgent situation in Murray. Judge Bush was being held captive in the hands of a mob and his life was in danger. A wire from Judge W. M. Reed of Paducah confirmed the gravity of situation so within an hour, at 11 PM, Gov. Stanley was en route to Paducah in a special car hooked on to Illinois Central 103 with plans to continue to Murray on the NC&St.L. In Paducah, he ordered Lube Martin to be held in the Paducah jail, and not to be returned to Murray. A Newspaper reporter asked just what he intended to do when he got there. "I'm going to appeal to the people for justice," the Governor replied. At 5 am, Stanley accompanied by only five or six others including Dr. Fred Larue of Hopkinsville left for Murray on the early morning train, arriving at six. Sure enough there was a large crowd milling around the Courthouse Square and Hotel. The Governor walked the three blocks from the Station to the Hotel and conferred with Bush, Smith and others inside before walking out the door and started telling everyone he met that as Governor he was responsible for not

letting Martin appear, going from group to group. By powers of persuasion, He was able to partially defuse the situation and even found 75 to 100 loyal citizens who were willing to be deputized to protect the Judge and Commonwealth Attorney. He returned to the Hotel and at 8:10 the Court Officials and Governor walked to the Courthouse. Bush announced that Martin was on the way, and at 8:34 am introduced the Governor to the Courtroom crowd. An impassioned 45 minute oration followed which mesmerized the crowd and he concluded by saying: " So gentlemen, I call on you as good citizens – am I right or wrong? – to try me upon the highest tribunal, a place more sacred than the Courtroom or the temples that lift their slender spires heavenward. Men of Calloway County, go back to the good women who love you and look into the gentle faces of your wives and say the Governor of Kentucky has said he would preserve the Law and respect, even if it cost him his own life." The mob still thought the defendant would return later in the day to be tried, and the Court recessed, Bush, Smith and the Governor returning to the Hotel. At 10:25 it was announced that the trial would be postponed until February 5th, at another special term of the Court. Although the crowd was not satisfied, they dispersed and the threat of violence had passed. At 11 am, the Governor, Bush and Smith were on the train safely headed out of town. By his personal appearance and powers of persuasion, A.O.Stanley averted a great tragedy and upheld the rule of law.

A potentially greater problem loomed however. When word reached Hopkinsville that Murray was in the hands of an angry mob threatening to lynch Judge Bush and Attorney Smith, a crowd gathered and a proposal made to form an armed party and go rescue the Judge. When the Governor heard of this, he sent word to friends here to appease the crowd and disperse the situation, which they did. Imagine what would have happened if a crowd of armed and angry hotheads from Hopkinsville and Murray had confronted one another that day? Nationwide papers including the New York Times were laudatory of Governor Stanley and messages poured in from all over the country. On the other hand, Judge Bush was severely criticized by the Press, the Louisville Courier-Journal mounting the most virulent attack. One of it's main competitors, the Louisville Herald Post, at first was critical but then came to Judge Bush' support probably because whatever the Courier was for, it was against. Locally, there was a strong reaction and a meeting called for

January 16th at 1:30 pm to take action regarding the unwarranted attack made on Judge Bush by the Courier. The local Bar Association made a resolution to wit: "We the Bar of Hopkinsville duly reaffirm our confidence and respect in Hon. C. H. Bush and commend him for saving the life of the Negro defendant and call attention to the fact he is our Circuit Judge in this section of Kentucky and in the South who placed his own life in danger for the protection of the prisoner on trial before his Court and we hereby feel that full credit for saving the Negro's life is due Judge Bush." Committee: Thomas P. Cook, John Stites, Ira D. Smith. Commonwealth Attorney Smith threatened legal action against the Courier unless the article was retracted and corrected editorially. A group of prominent Murray citizens wrote to the Paducah Sun in a letter published January 19th, responding to the Courier editorial stating "...We the undersigned citizens of Murray do hereby grant as false, malicious and cruel the attack made on Judge Bush. The Hopkinsville Kentuckian chimed in with " Judge Bush a Brave Man. Bush Friends Indignant." At any rate, the Judge did not recuse himself but prepared to hear the trial in February. He did write the Governor complaining of the harsh treatment received from the Courier but the Governor wrote a reply saying he could do nothing about it since he also had been the subject of a bitter attack not long before from the same source.

Governor Stanley realized more than moral persuasion would be necessary to insure the safety of the prisoner and to conduct a fair trial. Why not call out the National Guard? One problem: All members of the Kentucky National Guard, including Company D, 3rd Regiment of Hopkinsville were down on the Mexican Border chasing Pancho Villa. President Woodrow Wilson had used the powers of the 1916 National Defense Act to mobilize all 158,000 Guardsmen in the nation and placed them under the overall command of General John J. "Black Jack" Pershing. Company D which numbered 115 officers and men, was led by Col. Jouett Henry, L/C E. B. Bassett, Capt. B.G.Nelson, Capt. Ben Winfree, Capt. Henry Stites plus others, and departed Hopkinsville on June 29, 1916 for the Mexican border. Governor Stanley did not have authority to recall the troops so he had Adjutant General J. Tandy Ellis contact the War Department, explaining the situation in Murray. As a result, all three Kentucky Companies were ordered back to the State by an order signed January 17, 1917 by Secretary of War Baker and delivered

January 18th. The Kentuckian of January 20th announced on page 1, "Company D Ordered Home – 3 Companies Will come Home At Once For Duty. Request of Governor. Louisville, Frankfort and Hopkinsville Guards to leave the Border At Once. First to arrive back home was Henry Lebkucher, Director of the Third Regiment Band on January 25th. Captain Henry Stites was in command when the Company left Texas since the Battalion Officers had remained behind in El Paso for a few days. The officers had changed in appearance since Col. Henry had grown a Kaiser Wilhelm mustache and lost 40 pounds, Bassett grew a set of mutton chop sideburns and Lt. Clark sported a thick red beard. On January 27th they arrived in Louisville for mustering out and physicals. Company D left Louisville reached Hopkinsville the morning of February 1st. by train, and was welcomed home by an enthusiastic crowd. They re-grouped at the Armory on February 3rd, however, and were given orders to travel to Murray on February 18th to provide security for the trial which had been further delayed. The Louisville Company also assigned to the detail begged off, so finally 52 officers and men from Hopkinsville were assigned to go to Murray. Company D was field-tested, armed and up to the occasion. The local Woodmen of the World Chapter sponsored a community-wide reception for the men on the evening of February 17th before they were to leave. One man failed to make the trip however. He was Pvt. Lance Sloane, age 18, who contracted Measles from his family members shortly after arriving home and died February 16th.

On Sunday, February 18, the prisoner and alleged accomplices boarded a special train for Murray with the Guardsmen aboard and arrived in Murray at 4:30 pm. They went into formation and escorted the four prisoners handcuffed together, up the hill to the Courthouse Square and then to the Jail where a detail of 6 troopers stood guard, and the remainder marched to the Armory. According to a Murray newspaper account, " The smartly uniformed young men were warmly welcomed in the community. There's a reason for the spruce candiformed appearance of the troops here and that reason is Murray's bevy of beautiful and charming girls." Surely guard duty in Murray was preferable to serving on the Mexican border and in the Sonoran Desert. Actually, it was not Company D's first trip to Murray because 9 years earlier it had gone to forestall a Night Riders threat, abandoned when the presence of the Guardsmen became known.

Judge Bush and Commonwealth Denny P. Smith arrived under cover of darkness from the South, via Paris, rather than the expected northern route through Paducah. The trial began the next morning with Guardsmen surrounding the Courthouse and every person who entered the building was searched. A one day delay resulted, however, when Judge Bush announced he felt it impossible to impanel a local jury whose members would be unbiased and that an outside county would have to supply one. The Defense objected to men from McCracken, Graves, Marshal or Trigg so after a conference which county was selected? That's right – Christian County. A venire of Sixty men was requested and 54 actually showed up in Murray the following afternoon. Considerable difficulty was met in finding twelve who could qualify but finally the following Christian Countians sat in the jury box ready to hear the case: Harry Edwards, Lewis Starling, Tandy McGee, E. H. McReynolds, George McChord, L. A. Shepherd, J. C. White, W. R. Smithson, Matt Winfree, Ed Drake, Jesse Eglin and J. D. McGown were their names. And oh yes, the Court Reporter was John C. King of Hopkinsville. Judge Bush rapped the gavel, the defendant entered a "Not Guilty" plea and the Prosecution opened its case. At the end of the day, Judge Bush ordered all of the spectators in the Courtroom to remain seated until the Court officials, prisoners, witnesses and jury had left, while the Guardsmen kept a watchful eye. The Jurors were escorted to the Murray House Hotel and placed in isolation. On the second day of the trial, security measures were even tighter. The Prosecution rested its case by mid-morning but at the noon recess, the Courtroom wasn't secured and dozens of people swarmed in to catch the afternoon action. Judge Bush refused to continue until the Chamber was emptied, and he sent in Captain Stites and his men in with fixed bayonets to clean out the entire building. Soldiers were placed at all four entrances with spectators admitted one by one only after having been carefully searched. The trial was an hour late resuming and a procession of defense witnesses were examined and cross-examined. Court was adjourned at the end of the day, but the Jury requested that they be able to visit the scene of the shooting in order to see how well some of the prosecution witness could have had a clear line of sight g from their windows or porches. Reporter Arthur Bailey wrote about the day's proceedings, " The state built up a strong case, but on the other hand the defense presented a good case, showing that

Martin killed Diuguid in self defense of his own life." On Wednesday, February 22nd the trial continued and almost everyone believed that it was a matter of the Attorneys presenting their closing arguments before going to the jury for a verdict. Commonwealth Smith, however, asked for one last witness and presented Miss Ethel Diuguid, daughter of the deceased holding the clothing he was wearing when shot. Smith then passed the clothing from juror to juror. With the Commonwealth's Case finished, Pat Holt began his closing statement and before recounting the testimony which he had presented said. "Gentlemen, I ask that you do not let prejudice or sympathy govern your decision in this case. Do not convict this defendant because of any trouble or indignity to which the court has been subjected." As eloquent as his closing statement, Commonwealth's Attorney was even more so and presented with great theatrics. He picked up Guthrie Duiguid's coat and showed it to the jury and shouted, " They held him down while Lube Martin shot him! The most dsterdly assassination in the history of Calloway County. He pointed to the Widow attired in deep mourning black, and with tears streaming down his cheeks plead for the death sentence for the Negro. Finished with his statement, he dramatically took a white handkerchief from his pocket, wiped his eyes, and then went to the rail and slowly looked each juror in the eyes slowly before slowly walking to the prosecution table and nodding toward the bench. One Attorney called it the best presentation ever heard in Calloway County. Court was recessed until 2 O'clock and Judge Bush then gave the jury panel final instructions with options to return a verdict of Pre-meditated Murder, Voluntary Manslaughter or Self-Defense. At 2:20 pm the jury repaired to the jury room to begin final deliberations but the wait would not be long. At 3:30 the Jury returned its verdict – First degree murder committed willfully and with malice aforethough with the Death penlty as punishment. The Kentuckian article dated February 23rd proclaimed "Death for Lube Martin – Jury Recommends Death Penalty for Negro slayer of Diuguid at Murray." That same day Lube Martin was moved to the Paducah jail for safe-keeping en route to Eddyville and the following day, Company D returned to Hopkinsville, to be mustered out finally on March 15, 1917. Judge Bush was back in Hopkinsville presiding over the Circuit Court on February 26th still rankled by the Courier editorial and a local Grand Jury returned two indictments against the paper and its state news editor, but nothing really ever came of either. Thus ends our story of the role Hopkinsville played in

a famous Calloway County Historical Event and the local people who were involved in it. A brave Governor, a threatened Judge, an ugly crowd, young men from Company D, 3rd Regiment - all actors in a drama played out long ago in the warp and woof of Kentucky History. And in a final note, Lube Martin was legally electrocuted on July 25, 1919, age 34 years, at Eddyville Penitentiary.

SOURCES:

The Murray Montage, May 2000 – February 2001 – Chuck Shuffett

Meacham's History of Christian County – Charles Meacham

A New History of Kentucky, 1997, Harrison and Klotter

The Hopkinsville Kentuckian, news files December 1916 – March 1917

National Guard Association - Internet Website