

*The Romance of Cracker's Neck*  
By Colonel George W. Symonds

That turbulent and tortuous stream the Little Sandy river coils itself completely around a rocky plateau of about 10,000 acres area, in the western corner of Elliott County, Kentucky, the waters of the river being divided by a narrow strip of crumbled cliff. From time immemorial this peninsula has born the euphonious name of "Cracker's Neck." It is a wild and gloomy spot, if you follow the boundaries of the plateau and view it from the opposite bank of the river. Walled in on all sides by frowning cliffs, rising nearly perpendicular to the height of 800 feet, their upper edge fringed by a heavy growth of stunted firs and laurel bushes, it certainly has a forbidding look. If you have the curiosity to explore the plateau and climb the summit of the crumbling cliff at the point of jointure with the mainland, the aspect changes. Ten years ago there was a thick growth of heavy timber on the "neck," but it has all been cleared away, and a vista of fertile fields and newly fenced plantations sweep away on all sides to the cliff edges, which are still bordered by the laurel and fir growth. Evidences of civilization in the way of comfortable houses and stables and sheep flocks cropping the succulent herbage are seen on every band. The country surrounding this plateau is rocky and sterile and the fertile neck rises up like an oasis in the mountain desert. It instinctively strikes the imaginative beholder as a fine spot for romance, and the "Romance of Cracker's Neck" I now intend to tell.

Immediately after the close of the late war a man named Peter J. Livingstone, who had commanded a regiment of guerrillas on the confederate side, purchased the neck for a nominal sum, cleared away the timber, laid off fields, built roads and erected houses and opened a store just on the verge of the crumbling cliff and graded a road to the farther edge of the plateau with lateral feeders running off on either side. He brought his family here, installed them in a luxurious home, and began a flourishing business, the basis of which was timber, great tracts of which were owned by him on the mainland. The geographical situation of the "neck" was an admirable one for business purposes, it being a sort of half way station between the undeveloped riches of wild Kentucky and capital which stretched out eager hands toward the new old country from the other side of the Ohio river. He speedily drew about him an enormous trade and acted as a factor for the whole of the back country. He was an affable, pleasant-mannered man and made friends.

At this time Mountain Kentucky was in a state of anarchy. Law and order were but little regarded, and the woods were filled with armed men engaged in those terrible family feuds which have made the dark and bloody ground famous. It was the famous rendezvous, too, for a much worse class of criminals. Thieves and counterfeiterers made their headquarters among the wild gorges and deep forests from which they emerged, at frequent intervals, to prey on the fatness of the rich-grass country but a few miles distant. Robberies were of frequent occurrence, and stolen horses and cattle were stampeded out of the low country by the hundred head. They would be secreted here until the hue and cry was over, and then conveyed across the Ohio river and sold. It was known to the authorities that the desperadoes were well organized, and all efforts to break up the gang were fruitless. During all this time Colonel Peter J. Livingstone flourished and waxed rich, and no one suspected that he had a hand in the lawless acts which were fast driving honest people out of the mountains, and deterring others from coming in to take their place.

Peter J. Livingstone's business prospered so well that it was not long before he had competition. Two Virginians, father and son, named Malone, set up a store on the mainland, directly on the road to Livingstone's store, and much of the trade which hitherto of necessity had gone to him was directed to the new establishment. The falling off in his business enraged Colonel Livingstone beyond measure, and he had an open quarrel with the Malones. After this quarrel the two firms tried to injure each other in the way of trade as much as possible. Livingstone made threats that he would break up the Malones and drive them from the country. In the spring of 1877 Malone's store was broken into and robbed of several hundred dollars' worth of goods, and Colonel Livingstone gloried in the discomfiture of his rivals over their loss. A few months afterwards a fire broke out in Malone's store, but was happily extinguished before much damage could be done. After this second incident, one of Malone's clerks, a middle-aged man named Jasper Breeding, slept in the store to guard his employer's property.

Breeding was at his post one night in the fall of 1877. The hour was late and he was asleep. A noise in the store-room aroused him, and he jumped out of bed to find the store in flames. Through the curling smoke he saw two men hastily leaving the building by the front door and heard them close and lock the door behind them. He realized that escape in that direction was cut off. Malone & Co. had considerable ready money on hand, and this money was in a large safe which stood in the office. Breeding had the key of the safe and opened it to save the money. The safe was empty. He picked up a package of bills on the floor near the safe, which had been dropped by the thieves in their flight. There was a rear door to the building, which was secured from the inside by means of a box. The smoke was stifling, and Breeding opened this door to escape, only to find the doorway blocked by bales of hay, which had been rolled up against the end of the building. He tried to force a way through the barricade, but failed. The fire was now at his heels, and the smoke so dense that he could hardly breathe. Happily, he called to mind at this critical moment a small window on the side of the building. Groping his way to this last loophole of escape he forced open the shutters, raised the sash and leaped out – not a moment too soon. When he turned to survey the burning building the long roof trembled and fell in with a crash, and the flames leaped high into the air. Nothing was saved but the package of money.

The burning, which was evidently done to hide robbery, and at the same time commit murder, created considerable excitement among the better class of citizens in Elliott county, and the next day a meeting was called to take measures to hunt down the criminals. With a stern sense of retribution this meeting was held on the charred fragments of Malone & Co.'s store. Money was raised on the spot, and a detective was sent for to "work up" the case. The next night a meeting of citizens was held at Martinsburg, the seat of Elliott county. This meeting was secret, and its deliberations were not made public. The detective went to work on the case and cause the arrest of three men, charging them with complicity in the burning. One of the parties arrested – by name John Kendall – was a respectable and comfortably well-to-do farmer who had hitherto borne a good reputation. His companions, Henry Ormsby and Bill McMillan, were both men of little character. Ormsby was a Tennessean, and had served one term in the state penitentiary at Nashville. McMillan a ne'er-do-well, who subsisted by hunting, fishing and logging, with an occasional job at wood-chopping, or farming. All three were placed in the jail at Martinsburg. All three were friends and partisans of Colonel Livingstone, and the latter engaged a lawyer to defend them, and made arrangements to bail them out of jail. He boasted that money would do

anything, with the truth, too, for the judiciary was corrupt, and the officers of the law servile and easily intimidated. Another secret meeting of citizens was held, and dark mutterings were heard on every hand.

The detective – whose identity, by the way, was never discovered, and is unknown to this day, save by the few who employed him – followed up the clew which he had unearthed. He knew that he had to deal with desperate men, who would stoop to any crime to shield themselves from punishment, and he went among the suspected thoroughly disguised. Professing to be a farmer “pal” of Ormsby’s, anxious to extricate his old partner from present difficulty, he gradually wormed his way into the confidence of the men whom he suspected of being concerned in the burning, and one night was admitted into their counsels. What was his surprise and amazement to find that the men in jail were members of the regularly organized thoroughly disciplined gang of counterfeiters, house-breakers and cattle and horse thieves, whose chief and moving spirit was Col. Peter J. Livingstone. This gang numbered about three hundred members, and many of them were men whose characters had never been stained even by suspicion.

Jubilant over the success he had achieved, and confident that he had evidence enough to cause the conviction of the whole gang, the detective hastened the next day to Martinsburg to secure warrants and a posse of arrest. When he reached the town he found that one of the men in jail (Ormsby) had confessed to everything which he (the detective) had learned the night before, and that the other two prisoners McMillan and Kendall – had been taken from the jail and hanged by a mob of about five hundred masked men, which had issued a proclamation justifying the act, and made known for the first time the existence of the “Regulators.”

The story of this execution, “by command of Judge Lynch,” is a brief one. The two secret meetings which had been held by the citizens of Elliott county were for the purpose of organizing a “society of public protection and justice.” One of the most prominent citizens of the county was at its head. Every man of standing, every man who loved order and respected the law in the county enrolled himself in the new order. Its spies were more ubiquitous than the hired detective, and brought to the chief of the order startling intelligence. Livingstone’s gang was becoming frightened, and had resolved on heroic measures for the succor of their brethren in duress vile. They had resolved to anticipate the law’s slow delay, and rescue their friends by force. At the same time it was intended to burn Martinsburg and shoot down all opposition. The generalissimo of the “Regulators” knew that Peter J. Livingstone was at the head of the order. He had wrung a confirmation of this knowledge from Kendall and McMillan. He was provided with a list of the members of the gang. The lodge, in solemn conclave, voted to mete out impartial justice to all evil doers. Sentence of death was pronounced on Kendall, McMillan, Livingstone, Lewis, Binion, John Binion and John Boggs. Other members of the gang received sentences varying from five to one hundred lashes on the bare back and notice to quit the state. The lodge rode into Martinsburg at midnight, armed and disguised; they forced the jailer to deliver up the keys of the jail and brought forth Kendall and McMillan to suffer the extreme penalty of lynch law. The frightened wretches confessed everything, implicated Livingstone, the two Binions and Boggs, and were hung up to a walnut tree in the court house yard. A proclamation was posted in several prominent places threatening evil doers and their friends and sympathizers with the vengeance of the Regulators.

After hanging the two prisoners the band quietly dispersed. The execution created considerable excitement, but no effort was made to bring the lynchers to justice. The night following they captured Louis Binion and hung him to a ladder set up against his own house. Others of the gang were visited and whipped and ordered to leave the state. For a month the Regulators were every night whipping and hanging. John Binion took to the "brush," and one night endeavored to get out of the county. He and Boggs were to leave together. The latter was a hunter and fisherman, and the place of rendezvous of the two proscribed men was a log cabin which Boggs sometimes occupied on his hunting excursions. The Regulators learned of the movements of the two men and sought to check their flight. They surrounded the cabin and demanded an unconditional surrender. Binion and Boggs refused to give themselves up. The Regulators fired a volley into the cabin, broke down the door, shot Boggs dead and wounded Binion. Binion begged for mercy, but they laughed his prayer to scorn. A rope was placed about his neck, and howling and praying he was dragged to the nearest tree. They strung him up, and as he writhed under the cruel, choking rope, fired a volley into the swinging body, and ended the wretch's misery.

The arch-criminal Livingstone, however, escaped them. It appears that he learned of the hanging of the two men in Martinsburg, and their betrayal of him that same night, and making hasty preparations he fled across the Big Sandy into West Virginia. He remained in hiding for several weeks, wound up his business, collected together all the ready money he could realize and went to Texas, in one of the frontier towns of which state he is now located. The rest of the gang fled the state. A great deal of stolen property was recovered by the detective and returned to the owners. The property on "Cracker's Neck" was divided up and sold by Livingstone's son, after which the young man went to Texas to join his sire.

The new order increased its membership and established subordinate lodges in other counties. It restored order and made law respected. It drove out the desperadoes, thieves and outlaws, and made it possible for an honest man to live in Elliott county. As an evidence of what terror of evil-doing was inspired by the Regulators, it is said that a man could lay down a thousand dollars in the middle of the road anywhere in the county, and leave it there for weeks without fear of its being picked up, because as a mountaineer quaintly expressed it to the writer:

"Thar's no tellin', mister, how many rifles mought be coverin' thet same thousan' dollahs, nor how quick a man mought see kingdom kum. Who'd be dratted fool enuff to pick hit up?"

*Detroit Free Press*, May 21, 1882

*The [Washington D.C.] Bee*, June 10, 1882

*The Palo Alto [IA] Pilot*, August 4, 1882