

Not Under Oath (Kentucky is The Greatest)

Eslie Asbury, M.D.

The Society of Colonial Wars and guests, I appreciate the introduction, even if it was "not made under oath." Program committees have a problem. They must justify the speaker they select. So they build him up with a flattering introduction. Nobody believes it, but the designated speaker loves it. He is like the fat, black landlady who had a good looking male boarder who was often in arrears. In this recurring situation he would lie, like an emcee. He would say, "Mamie, your eyes are beautiful, your hair is beautiful. You are the most beautiful woman in town," and Mamie would always take the bait. "You know that ain't so, Sam." "It is so. You want the truth don't you?" "No, No," Mamie would reply, "I like that other stuff better!"

Frank was afraid the laudatory introduction wouldn't be enough pay and asked what I usually charged. "The same as I did for operations, some full pay, some part pay and some couldn't pay." "Then we 'are home free" said Frank, "after we pay tonight's liquor bill, the SCW will be broke."

The first time I "instructed" you, was last year at your national business session and now you have invited me back. I regarded this a double honor and was bragging about it to a friend. "You're wrong," he said. "The members of SCW are gentlemen. They believe in affirmative action. They give failures, even white ones, a second chance." Now I don't mind what anyone says behind my back but friends who tell you the truth to your face are annoying.

I like that "other stuff" better. Truth mongers can be dangerous, especially when they delve into pedigrees. A pedigree is like chastity: a fine thing if not carried too far. A Kentucky woman, trying to qualify for the D.A.R., paid an expert \$5.00 to look up her ancestry and when she got the report she had to pay the expert \$100.00 to keep his mouth shut. The trick is to find one big name and forget the bums, whether you are selling a horse or up for membership in the SCW. The difference is that in selling a horse, the horse needs a famous close-up relative whereas, to qualify for the SCW, as I understand it, a man needs a forefather, as far back as possible, who was a colonial official. Despite this restriction the pool of eligible people must be sizable.

We were under the Crown nearly as long as we have been under Presidents. The Colonial population was small but families were large and a high percentage were officials and ad hoc officers created instantly to fight in the wars and, as in the Civil War, a man's civil stature determined his military rank. From the first Colonial War in 1613 when Governor Sam Argall of Maine teamed with Captain John Smith of Jamestown to drive the French settlers from Mount Desert Island, through King Phillips War, the Pequot War, Sir Francis Wyatt's

War against the Powhataws, the Anglo-Dutch War and finally Lord Dunmore's War, there were countless smaller uprisings and Indian engagements. There were Wars between the Colonies long before the War between the states and revolutions against the Crown before the War of Independence. A lot of officers and officials were involved.

And there are those who fought on the wrong side, say a French or Dutch officer or an Indian Chief. Do their descendants qualify for this honorable organization? I'm sure your membership committee faces many difficult decisions. For example, how far can one descend from a proven, distinguished ancestor and still be elected?

The use of the word descend in such connections is unfortunate. It does not convey the desired meaning. In speaking of the pedigree of a horse we say he traces back to Man-O-War. To say a man descends from an important person is belittling. He may not be the man his ancestor was but why stress it. Maybe he even ascended in rank. Personally I would rather claim ascent from many of my forebears.

When the original people came into Kentucky some families, including my own, divided. Some stopped in the mountains and others settled in the Blue Grass section. Branches of the Lee and Marshall families stayed in the mountains back of Flemingsburg, I knew them as patients for 50 years and often visited them to hunt quail. Mr. Lee, a staunch Democrat, had two good bird dogs, one named "Alfred E. Smith" and the other "Andrew Jackson" and he always called them by their full names. "Steady Alfred E. Smith", down "Andrew Jackson", he would say. At that time the mountain section, unlike the rest of the state, was solidly Republican as a protest against the Bluegrass elite and during the Al Smith Campaign I was up there on a hunt. I said "Mr. Lee, I suppose Hoover will win". "Yes", he replied, "but in Fleming County my family will cast 12 votes for Alfred E. Smith, they will be his only votes, and all twelve of us will be there to see they are counted".

Kentucky has been as solidly Democratic as any southern state since the War between the States. Therefore, you may ask, why didn't Kentucky join the Confederacy? Very simple. It was smart. It didn't want all those Yankees messing up the place. Kentucky waited until after the war to secede. (The truth is, Kentucky had more downright volunteers in the Union Army than Ohio and more volunteers in the Southern Army than Florida.)

Charlton Wallace had prominent Kentucky ancestors but when he was up for election to the SCW, he wanted no argument. He relied on a Yankee Bradford to qualify him. On the other hand, I confess I have hundreds of relatives of all kinds in my native Kentucky. One distant cousin, the perennial jailer of Letcher County, stemmed from a long line of jailers, extending back to Colonial Virginia. They neither ascended nor descended. Like English butlers, they were proud to emulate their fathers. The Letcher County jailer left his job to fight in the Spanish-American War and when he got back he found dangerous opposition. An opponent with a lot of voting relatives was campaigning on the platform that he was disabled

and needed the job, but our hero beat him with a set speech. He said, "Folks, I admit my opponent is the ruptured Est, one-armed S.O.B. in the County but I have been your jailer for 20 years. When your sons were in jail for a month for a killing or making a little whiskey, I took good care of them. They had a clean bed and good vittles. Now I'm back from the big War. In the battle of San Juan Hill, Teddy Roosevelt and I got to the top of the hill at the same. No one else had got there. Teddy turned to me and said "Tom off of this great victory one of us has *got* to be President" 'and I said "Teddy, if one of us has *got to be president*, it will have to *be you*. I'm going back home and be jailer of Letcher County."

Kentucky mountaineers didn't have any Puritans to build schools for them and they were a little backward in the three R's. Before the days of radio, a stranger got a puncture on a mountain road and a passing native offered to change the tire. While the native was bent over jacking up the axle he said "Where you from?" "I'm Senator Smith on my way home from Washington." "Oh", said the native "Tell me, who won the last election?" "Woodrow Wilson, but that was two months ago. Don't you get any newspapers around here?" "Yes", the native replied, "we get 'em alright but those damn Republicans won't read 'em to us."

The people of rural Kentucky are mostly Scotch-Irish and in many counties a man may be related to a third of the population. No new people have come in' for 175 years and "clan justice" is still the custom. Land and other disputes were settled out of court. They simply shot it out or "squatted" it out. Anyway, lawyers, fearing retribution, wanted no part of these cases. Even now, civil litigation is rare in rural Kentucky. Down there a man might shoot his doctor but malpractice suits are unknown and doctors don't sue to collect bills. A little hospital near my farm had delinquent accounts but the lawyers on the Board would not sue for them. They knew it would cost them votes when they ran for office.

Out of state lawyers have no chance in a case without the help of a local lawyer but they have to get one from another county especially if they represent a corporation. Frank Davis had such a case in court at Beattyville and he asked Col. Phil T. Chiun of Lexington, to recommend a trial lawyer. "The best lawyer around here is Beauregard Johnson when he's drunk" said the Colonel. "I can't afford him." replied Frank. "Who is second best?" "Why that's Beauregard Johnson when he's sober."

This brings me to the title of my speech, "Not Under Oath". I won't swear to these stories. I can't document them but I can do even better. I can give you a "Kentucky guarantee" on them. When a Kentuckian owes you money he says "I'll be an S.O.B. if I don't pay you next month". If he tells you a story or claims kinship with a famous man he says, "I'll be an S.O.B. if this isn't true." What more could you ask? Sam Johnson put it well. Speaking of monuments he said lapidary inscriptions are *not made under oath*.

Unfortunately the stories of Indian killings did not carry a Kentucky guarantee. They were not even made under oath. Another mountain kinsman, Jim Asbury, a real life character

in a John Fox Jr. novel, bragged about his grandfather who claimed over a hundred scalps. Others made similar claims. "When me and my brother wuz out huntin' yesterday we ran into 22 Indians and killed 18." Actually, until Snaphances and Flintlocks were replaced (1675) by the Matchlock, the Indians were better armed and, one on one, could more than hold their own against the settlers. We are indebted to "Roosevelt the First" for at least one thing. In his poorly written but well researched book. "The Winning of the West", Teddy debunked these phony claims, proving that if all the Indians listed as killed in Colonial Wars and by settlers were toted up, the number would be twice the total Indian population.

Exaggeration is an American trait and for a long time was the basis of our humor in contrast to the English under-statement. Josh Billings, Artemus Ward, and Mr. Dooley, depended on exaggeration, bad spelling and improper grammer and were the best known early *northern* humorists, but we had nothing to compare with the drolleries of Anthony Trollope and the antics of the Pickwickians.

The Puritans and other Yankees, who dominated the culture of the North, had no time for levity. They were too busy mortifying the flesh in preparation for the hereafter. When the Puritans landed they first fell on their knees and then on the aborigines and everybody else who didn't agree with them. In Colonial times if they couldn't preach the Hell out of you, they fined you, put you in the stocks, burned you at the stake or ran you out of town, *not* neglecting to foreclose the mortgage. Then they mellowed. They legislated us with "Blue Laws" and tried to educate the Hell out of us. However, we are indebted to them for their work ethic, for establishing schools of higher learning which are still our best, and for bringing education to the interior of the United States. (Why as late as 1930 the principal of every High School in Cincinnati were Yankees in German Cincinnati). On balance we could forgive them, even for selling the slaves to the south and then fomenting a war to free them, if they had permitted us a few laughs along the way. They were devoid of humor, they didn't even make puns. Any kind of jesting was against their religion. They didn't laugh when Cotton Mather said he was always thankful for his early ill health which kept him safe against the temptations of youth. No wonder the humor of the north was poor until Mark Twain and Ring Lardner Sr. came along, followed by George Ade, Booth Tarkington and Damon Runyon.

Humor of the South

In the south, which also claims Twain, humor had a chance to develop earlier. The churches were more liberal and the people found time to take a drink and tell a story. Kentucky, with the best whiskey and horses, had the best humorists, mostly newspapermen including Henry Watterson (editorials), Tandy Ellis (Tang of the South), Irwin S. Cobb and the best of all, Joe Palmer (of the Lexington Blood Horse) who, Red Smith said was the best writer about anything.

Some preachers and all successful Kentucky politicians, from Clay to Breckenridge to Barkley to Ollie James and Happy Chandler, were humorists. They created the unwritten humor of the South, stories involving whiskey, dogs, negroes, and the incongruities of people. Actually they were entertainers whose stories, like old hams, required the proper preparation, proper consumers, and proper setting and when told privately or publicly their stories never revolved around sex or obscenity.

In this southern folklore the Negro was an important character. Pictured as happy-go-lucky and ignorant, smart blacks played up to this role as a defensive facade and to please the white boss. As a reward they were given the punch-line in these stories.

When Teddy Roosevelt ran on the "Bull-Moose" ticket in 1912, he agreed to make a short campaign in Kentucky provided his sponsor, Col. Oldham, would include a bear hunt. The Colonel, with no hounds of his own, armed himself with a quart of whiskey and set out to borrow the best pack in the country, owned by a black, Henry Jones. He knew Henry was jealous of his dogs but he thought the liquor and a little talk would turn the trick. The Negro took a liberal swig of the gift.

"How is it, Henry"?

"Just right Boss. If it had been any better you wouldn't give it to me and if it was any worse, it would kill me." Ignoring the slur, the Colonel came to the point. "Henry, I want you to do me a big favor. I want to borrow your hounds next Tuesday night." "Colonel, you and me is friends but you know I never lend them hounds to nobody." "Henry you have got to help me. I promised to take a famous guest on a bear Hunt."

Henry slowly shook his head. "Ise sorry Colonel but I can't do it." The Colonel, now desperate, played his hole card. "I would be eternally grateful Henry. The man I'm taking on this hunt is President Theodore Roosevelt!" The Negro still shook his head. "No suh, not even if it wuz Booker T. Washington!"

Colonel Oldham located some mediocre hounds, the hunt was on, the dogs treed a bear in a cave but they wouldn't go in after him. Everything was at a standstill. Finally Oldham pointed to one of his faithful black retainers. "Sam, go in and get that bear out of that cave." Sam didn't move. "Do you hear me Sam? Get in there!" After a few explicit threats, the old Negro slowly started into the big hole. An instant later he came flying out with the bear right on him, clawing him at every step but the dogs saved him, killed the bear and the hunt was a great success. Roosevelt was impressed by the bravery of the old Negro who was covered with scratches and otherwise *uncovered*. He had lost most of his clothes. "Didn't you know what that bear would do to you, Sam, if you went into that cave?" Roosevelt asked. "No Suh", I didn't know what that bear would do if I went *in* but I sho' knowed what the Colonel would do if *didn't go in*."

In addition to politicians, Kentucky has had a host of accomplished raconteurs, both amateur and professional, who were popular after dinner speakers. In small groups, Col. Phil T. Chiun was the best but the champion stand-up entertainer was Riley Wilson. Even in the thirties he got \$1,000.00 for speaking to bankers conventions but he was like a surgeon. If necessary he would perform free for the advertising, as he did one night in 1937 as a guest at my farm. Frank McEwen and my cousin Hicel Asbury, noted amateurs themselves, were also present and among the guests were Powel Crosley and Roy Burlew of Owensboro and Ken-Rad fame. Stories went on for hours and Powel never got in a word. On Monday morning his Secretary, Miss Bauer, called. "Powel can't remember the great stories he heard at your farm and, he would like for you to write them out for him." He also tried to hire Riley Wilson for W .L. W.

There are many "power of whiskey" stories but Riley told the only one that included the morning after. Just after prohibition a Procter and Gamble drummer, stranded one night in a small Kentucky town, visited the local saloon. It was deserted except for a dejected figure sitting at a table. "Is that fellow drunk?" the drummer asked. "No" said the bar-tender, "he's a down and out share-cropper. Probably couldn't afford a drink." The drummer, desperate for company went over and said "partner, you look worried. How about a drink?" "O.K." replied the native without enthusiasm. Close questioning revealed the native's sad plight. His boy was in jail, his unwed daughter was pregnant, his wife had T.B. and his tobacco crop looked bad. With the first drink he perked up enough to ask the stranger where he was from. "I'm from Cincinnati," replied the drummer. "Cincinnati, I got an uppity brother up there somewhere and I think its Cincinnati or Akron. They say he works in a bank but I ain't heard from him in 10 years." The "Whiskey Courage" of the share-cropper mounted with each drink and in the classic pattern of all such sagas his troubles sloughed away one by one. "The Doctor said the woman ain't got no bad consumption. Might be well in a year. Anyway she's in that State Sanatorium up at Lexington and it don't cost nothin'." He then rescued his daughter. "Ellie ain't no bad girl and that boy will marry her or else" he said with an ominous look. The next drink helped his tobacco crop. "All it needs is a good rain." The last drink solved his son's problem. "Clint's a steady boy. Never gets drunk except on Saturday and Sunday. I'm gonna borrow \$10.00 against my crop and get him out tomorrow. That fellow he killed, needed killing. The Marshall apologized. Said he wouldn't have jailed him at all if he hadn't argued and disturbed the peace. The judge said he knowed what he'd have done, he'd done the same as Clint." "If the boy had stole some hams" the judge said "it was one thing, killing a man who had already been bought and paid for was another thing." No professor of law could have explained true Kentucky justice better.

The bartender called closing time and out on the sidewalk the native suddenly remembered all about his stuck up brother. "I know he's in Cincinnati" he said. "He's a rich banker up there. You look him up and tell him you saw his brother, that old John ain't doing so bad hisself, getting a ton of tobacco to the acre every year. And be sure you tell him I'm

still the best damn man in the state, that I can still climb the tallest tree in Kentucky with a wildcat under each arm and never get a scratch."

On this high note they parted. Early the next morning as the drummer walked up Main Street to the depot, there wasn't a soul in sight. Finally, he saw a tall, woe-begone figure leaning against a telephone pole. Coming closer he identified his companion of the night before but the man showed no sign of recognition. "Aren't you the fellow I had drinks with last night," the drummer asked. "Might be. Some dude sho' poured a lot of lightnin' down me." "Do I remember right? Didn't you tell me you are the best man in Kentucky and that you can climb the tallest tree in the state with a wildcat under each arm and never get a scratch?" "Yeah", the native said hanging his head. "I can get 'em *up there* all right but *its Hell coming down.*"

You'all will climb down tomorrow morning. You won't be carrying wildcats and you will do it gracefully. In the mean- time, I shall do something the Devil never did. I'm leaving you.

83th Annual Winter Court
Society of Colonial Wars in the State of Ohio
December 1, 1978