

Melville Phelps

A History in Words and Pictures

Version 2

By Seth Phelps

8/01/2011



1840-1893

Introduction

This biography of Melville represents the culmination of 16 years of off and on again work. I started this journey in 1994. At that time I knew virtually nothing about Melville. There were stories in the family that he owned significant amounts of land in Laurel County. In addition, I knew that he fought in the Civil War. I had no pictures, knew nothing about his children, other than my ancestor, Robert W. Phelps, nor what he did for a living.

While I knew a number of the names of my ancestors, I really knew nothing about them. This biography is my attempt to place all of the information that I learned about Melville in some type of context. The newspaper articles and pictures were some of my favorite discoveries. Both give a much richer understanding of Melville's life.

I found copies of letters, newspaper articles, pictures, pension records, and information about life in general in Laurel County, Kentucky during the latter half of the 19th century. Thank you to everyone who contributed to creating this biography.

I hope that you enjoy it as much as I did assembling it. I would ask that if you have any additional pictures, stories, articles or other information on Melville or his ancestors or descendants, please send copies to my attention. I would love to continue to build on this biography of Melville Phelps.

Additions in this version 2 include three main areas of research:

- 1.) Records from the 7th Kentucky Order Books, Melville's Civil War unit, documenting the orders he received as an officer of Company "D";
- 2.) The 1850-1880 Agricultural Census records documenting what Melville, his father and his brothers grew during that time. Before 1850 and after 1880 no such consistent agricultural census records were compiled by the federal government; and,
- 3.) More detailed birth, death, and death location data for Melville's Children.

Seth Phelps

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Melville Phelps

Family Summary Information:

Melville Phelps (July 7, 1840 – April 11, 1893)

Married - March 6, 1866

Elizabeth Gertrude Puckett (August 28, 1848 – May 19, 1886)

Children

| | | | |
|--------------------------------|------------------|---------------|----------------|
| Alice Gertrude Phelps | 1867 - | 1916 | Boulder, CO |
| Naomi Louisiana Phelps | Oct. 31, 1869 - | Nov. 24, 1939 | Laurel Co., KY |
| John Orlando Phelps | Nov. 10, 1871 - | Dec. 23, 1939 | Laurel Co., KY |
| Sabra Elizabeth Phelps | 1873 - | 1950 | Dykes, KY |
| Nancy Cumi Phelps | May 13, 1875 - | May 10, 1933 | Laurel Co., KY |
| Robert Woodson Phelps | March 20, 1877 - | March 1, 1958 | Laurel Co., KY |
| Melville Manion Beverly Phelps | April 5, 1880 - | Nov. 22, 1953 | Boulder, CO |
| Lula E. Carroll Phelps | May 1884 - | July 30, 1886 | Laurel Co., KY |
| Infant daughter | May 1886 - | May 11, 1886 | Laurel Co., KY |

Narrative

Melville Phelps was born on July 7, 1840 in Grayson County, Virginia. He was the 8th of 11 children of John Houston Phelps. Like most Americans at the time, he lived in a rural setting. Grayson County, Virginia is deep into the Shenandoah Valley, far from large settlements. It is assumed that he, as a member of a farming family, engaged in the normal activities of children while attending to chores around the house and helping with farming.

I. 1850

The 1850 census records Melville as a child living with his parents in District 19, Grayson County, Virginia. His oldest brother, William has moved out on his own and, apparently, moved to Laurel County, Kentucky. While his father is relatively prosperous, the value of John's land in the 1850 census is listed at \$800; it is likely that John, as a farmer, is mainly a subsistence farmer selling excess crops for hard currency.

Nevertheless, in comparison to other families of the era, it is likely that Melville is relatively well off. During the Civil War, he can read and write which likely sets him apart from many of the other soldiers and may be partly why he becomes a commissioned officer. If so, it is the education he receives as a child that allows for these opportunities.

By 1854, according to the Grayson County tax rolls, Melville's father, John, has sold all of their land. It is likely that John has moved the entire family, except for his daughter Nancy who has married and is raising her own family in Grayson County, to Laurel County, Kentucky near Bush's Store, a small community 9 miles northeast of London the county seat.¹

¹ Bush's Store is a small community formed on February 18, 1840 and named for George A. Bush the first Post Master.

We may never know why John moved the family, but at this time it was not unusual for families to send members westward in search of better farming land and opportunity. William, John's oldest, may have written back as to the opportunities for better farming in Laurel County, Kentucky. In any event, by the time Melville is 14, the family has moved out of Virginia and into Kentucky.

II. 1860

The 1860 census lists Melville as still living with his father. His father's neighbors include his sons William and Marion who have established families of their own. Melville's occupation is listed as a farm laborer. It is very likely that he helped his father run his considerable farm.

In addition, he helped other farmers in the area. From his pension records an affidavit executed by Franklin Vandereater indicates that Melville worked on his farm before the war.²

a. The Civil War Years

The Civil War interrupted Melville's life and likely laid not only the seeds for his future success in politics but also his untimely demise. With attack on Fort Sumter, the southern states began to secede from the Union. Melville along with many of his friends and residents of Laurel County headed to Camp Dick Robinson to volunteer for the Union cause. Melville's brother, Samuel accompanied him and both ended up serving in the same unit, the 7th Kentucky Infantry. Melville was a private in Company C and Samuel was a

private in Company K. On August 11, 1861 both volunteered.

Melville was quickly promoted to Sergeant on August 19, 1861. The 7th Kentucky was officially mustered into service for the Union on September 22, 1861. The 7th Kentucky was one of the first units organized in Kentucky during the war.

Kentucky was not staunchly in the Union hold, however. Charles G. Shanks, a journalist for the Louisville Journal at the outbreak of the war and, later, veteran of the Union Army, tells the following story:

When the news of the Bull Run fight reached Louisville, the intensest excitement prevailed, and the rebel population paraded the streets swearing vengeance against all loyal men who came in contact with them. The *Journal* office had long been floating a United States flag from a staff on the roof, but the staff being too short for the flag, a carpenter had been sent for early in the day to put up a longer one. He arrived at the time quite a threatening demonstration was being made in front. The *Courier* office, which was on the opposite side of the same street, was intensely rebel, and it was bruited about that a Confederate flag would be hoisted upon it during the day. The crowd between the two offices was clamorous for the raising of one flag and the lowering of the other. At this juncture, Mr. Prentice was informed by an excited employee from the counting-room that somebody was on the roof

² Testimony of Franklin Vandereater Original Pension Application, ca. 1881.

pulling down the flag. The old man's eyes flashed fire.

"Then, by G—," said he, "go up there and throw the scoundrel down among the mob."

Up rushed the willing employee. The flag was already half-masted, and the carpenter, intent mainly on earning his wages, though not insensible to the cries of the admiring crowd beneath, was busily engaged in untying it from the halyards. To his infinite disgust, however, before his work was completed, he found himself hurled back by a strong hand, which in the next breath flirted the flag again to the peak and tied the halyards in an insoluble knot to the staff. The honest carpenter was then lustily kicked down the skylight, and thrust the rest of the way down two pair of stairs to the street door, where he received an energetic parting salute, and found himself landed among his late admirers, without having a single chance to receive or tender an explanation. This bold stroke touched the generous impulses of the mob, if they had any, and all demonstrations against *the Journal* and its flag ceased. The crowd, in fact, turned its ridicule on the unoffending carpenter, who with difficulty made his way to his shop with unbroken bones.

The Southern subscribers of the *Journal* withdrew in large numbers when they saw the

course of the paper on the question of coercion.³

Veterans enlisted on both sides virtually equally during the early years of the war. Kentucky was a hotbed of early war activity as both sides vied for control of it. As a result, the 7th was at once ordered to Wild Cat, Ky., beyond Mt. Vernon, to resist the advance of confederate General Zollicoffer. Wild Cat Mountain is just nine miles north of London, Kentucky. Melville must have been concerned about his parents and brothers and sisters on the old homestead as fighting in the first and second years of the war occurred very close to his home.

a. First Action

The 7th Kentucky, commanded by Colonel Garrard took position upon the Wild Cat Mountain, covering the road, and on the 21st of October was attacked in his camp, which he had fortified, by a large Confederate force. Wolford's cavalry had encountered the advancing enemy out upon the road, and fell back to Col. Garrard's position. The battle was a very severe one. Col. Garrard defended himself against repeated assaults, and during the fighting reinforcements came up under General Schoepff. The Confederates were defeated with a loss of thirty killed and one hundred wounded, the Federal loss being four killed and eighteen wounded. This was the first general battle fought in Kentucky and also considered the first Union victory in Kentucky. From Wild Cat, the 7th returned to Camp Dick Robinson, and then advanced again on the road leading to Cumberland Gap, as far as Mt. Vernon. It remained in this

³ *Journalism in the United States from 1690 to 1872*, Frederic Hudson, page 372, co. 1873

section of the state during the winter, and organized in the spring of 1862 into General S. P. Carter's brigade of General George W. Morgan's division. This division in that spring made an expedition to Cumberland Gap, capturing the place on June 18, 1862. General Morgan, in his report says of this expedition, that he reached Cumberland Ford, April 11th, and had the brigades of General Carter and Colonel Courcsey make a reconnaissance, on which they were attacked, but which was repulsed.

b. Taking Cumberland Gap

In May, 1862, the muster rolls document that Melville is "absent with wagons in Whitley Co, Ky." It is likely that Melville is obtaining supplies to support the advance of the 7th Kentucky.

Sometime in late May, the 7th advanced along with the rest of General Morgan's forces and crossed the mountains below the Cumberland Gap, and descended into Powell's Valley, and proceeded on two roads to the Gap, capturing it on June 18th. The 7th KY, and also the 19th KY under Col. Landram, were with General Carter's brigade in this expedition, and the reports show their valuable service.

Shortly after taking Cumberland Gap, according to pension records, Samuel Phelps, Melville's brother, is dismissed from the service for "fits" that began after taking Cumberland Gap. It is unclear what "fits" means, but it is presumed to refer to some type of post traumatic stress disorder from the fighting. Nevertheless, we will never know for sure. Samuel Phelps lives until 1888 and dies. Little is known of this older brother of Melville.

In August, in reaction to the fighting within Kentucky as well as the

establishment of a "provisional government" of Kentucky by the rebels, the Kentucky legislature passes a law compelling individuals to the following additional oath if they serve on a jury:

I do swear that I have not directly engaged, or been in the service of the so-called Confederate States, or either of them, or in the service of the so-called provisional government of Ky., either in a civil or military capacity; and that I have not directly or indirectly engaged in, aided or abetted any rebellion or insurrection whatever against the United States or state of Kentucky, so help me god.⁴

Skirmishes take place all throughout the region including in Laurel County. On August 17, 1862, a skirmish occurs between confederates and two companies of the 7th Kentucky under Colonel Garrard at Laurel Bridge in Laurel County, Ky. On August 25, Colonel Garrard with 560 men of the 7th and 23rd Kentucky surprise 150 confederate cavalry at Red Bird Creek and route them.

c. Confederate Invasion of Kentucky (Confederate Heartland Offensive)

General Morgan held Cumberland Gap until the invasion of Kentucky in September, 1862, by confederate Generals Bragg and Kirby Smith. The advancing Confederate army, quickly begins to take territory from the Union. General Smith occupies Lexington on September 1, 1862. Federal forces on the 2nd declare Marshall Law in

⁴ Collins' *historical sketches of Kentucky: History of Kentucky*, Volume 1, Lewis Collins, Richard H. Collins, 1878

Louisville, Covington, Newport and Cincinnati. Freedom of the press is suspended in Louisville where papers are forbidden from publishing the names of persons arrested and committed to military prisons.

d. The 7th Escapes the Vise

The occupation of Cumberland Gap by Gen. George Morgan was an interesting event, but its evacuation by him, and his conducting his force, including the 7th Kentucky, in safety to the Ohio River, in September, 1862, was one of the most daring events of the war. In that month, as part of the so-called Confederate Heartland Offensive, the Confederates were invading Kentucky in great force from three directions. General Bragg, by way of Glasgow; Kirby Smith through the mountains by way of Barbourville, directed upon Richmond and Lexington, and Humphrey Marshall out of Virginia, toward Mt. Sterling. In such conditions Union General George Morgan's escape seemed impossible. General Kirby Smith sent a demand for his surrender, and General Stevenson went against, union forces holding the Cumberland Gap with a force of four brigades, approximately 12,000 to 20,000 men. General Morgan described his situation thus:

Stevenson in rear, Bragg to the left and Humphrey Marshall to the right. The only thing to do was to abandon the Gap and strike for the Ohio at the nearest point. September 5th, the march commenced. The retreat was across Kentucky, by way of Manchester, Booneville and West Liberty to Greenupsburg, on the Ohio.

This route was the old "Warrior's Path", an old forgotten track of travel used by

the Indians, it is thus mentioned in the "Wilderness Road." The 'Warrior's Path' was a trace along which the Indians traveled back and forth from their towns on the Miami and Scioto. It ran in an almost direct north course from Cumberland Gap across the eastern end of Kentucky to the mouth of the Scioto. Parts of this path ran through Laurel County, Kentucky virtually within a mile of the home where Robert Woodson Phelps, Melville's son, would live most of his adult life in Fariston, Ky. It is not clear that they took this route. While Manchester is near London, a more direct route to Booneville would have never come close to London or Fariston. Nevertheless, Manchester is within twelve miles of Bush's Store. One can only imagine what Melville thought as he and the 7th Kentucky retreated past the road to his home and his parents. Surely he had to be concerned for their safety.

London didn't escape the fighting as Union forces were defeated at the battle of London on September 21, 1862. This was a small engagement in the war and didn't involve Melville.

The season was dry and water scarce. The country was full of Confederate forces. General John Morgan was active on the roads which Union General George Morgan had to travel. He blockaded them, and fought the retreating Morgan. General George Morgan described the fighting along the path:

Frequent skirmishes took place, and it several times happened that while one Morgan was clearing out obstruction at the entrance of a defile, the other Morgan was blockading the exit.

In one instance a road had to be cut for four miles along the path. For this work, he had one thousand men under the supervision of Captain William F. Patterson laboring furiously to complete the road before the bulk of the Union forces arrived only to use it to retreat further toward Ohio.

Safely crossing the Kentucky River at Proctor, eluding Marshall at West Liberty, feigning toward Maysville, and pushing for Greenupsburg, Gen. George Morgan reached the Ohio on October 3, 1862 "without the loss of a gun or a wagon, and with tiny loss of but eighty men" as he states himself. Other accounts suggest that he lost four siege guns.

It was an amazing achievement. While harassed, marching his entire division over 200 miles in 16 days over a rough a mountainous country with few roads even by then contemporary standards. Enemy cavalry units felling trees in their path to slow them and only roast-corn for food, General Morgan managed a great feat saving the 7th Kentucky and Melville from capture.

e. The Confederate Invasion Stalls

The same can't be said for Kentucky. Frankfort, the capital, fell just a few days later. The inaugural ceremonies of the Confederate provisional government were held on October 4, 1862. Just four hours later, however, the provisional government fled Frankfort never to return as confederate forces began a general retreat from Frankfort in the face of advancing Union reinforcements pouring out of Ohio and Indiana.

The largest battle fought in Kentucky during the civil war occurs on October 8th, 1862. Known as the battle of

Perryville, and involved a total of approximately 43,000 Union and Confederate forces. Despite being outnumbered the Union wins a strategic victory, although not necessarily a tactical one. The Union losses were steep; nearly 4,300 men were killed or wounded primarily because the new forces coming out of Ohio and Indiana were mostly raw recruits thrown into the battle to stop the Confederate advance. Confederate losses are approximately 3,400 men.

Perryville marks the end of the confederate advance into Kentucky. While fighting continues, Union forces press the advantage of the strategic victory and the Confederates begin to retreat toward Tennessee.

By October 19, 1862 the confederates are in full retreat. General Kirby Smith's forces are retreating down the Manchester road from Manchester to London directly past Bush's Store. General Kirby Smith describes the Manchester Road as the "...worst road I have ever traveled; in some places impassable..."⁵ ordering his men to widen and improve sections to get wagons and supplies through. General Stevenson, commanding General Smith's rear forces, in fact, camped on October 19, 1862 at Bush's Store with his units.

One can only imagine what John H., Alsey and their family thought of the retreating confederates camped in their midst. General Smith's forces were so strung out along the Manchester Road that he orders General Stevenson to begin destroying supplies and wagons to speed his retreat to catch up to the main

⁵ Letter to Major General Leonidas Polk, October 19, 1862.

body of his army.⁶ Confederate troops passing Bush's Store continued for days.

Just one year later Cumberland Gap was re-taken by Union forces under the command of Kentucky general, J. M. Shackelford, in connection with Burnside's East Tennessee expedition of 1863.

f. The 7th Advances Again

Upon arriving at the Ohio River on October 3, 1862, the troops of General Morgan, including the 7th Ky., rested a short time, having crossed to the Ohio side at Oak Hill. They were then ordered to West Virginia, to General T. D. Cox, in the Kanawha Valley. Remaining there a short time, they were ordered south to join the forces under General Sherman, then advancing upon Vicksburg. In the late fall of 1862, they proceeded by river transport by way of Memphis, and reached their destination. With this expedition of General Sherman were three Kentucky regiments, 7th, 10th and 22nd. All of these units participated in the celebrated assault at Chickasaw Bluffs, December 29, 1862, which was a failure, and great loss was incurred. On January 1, 1863, Melville Phelps was promoted to 2nd Lieutenant presumably for his battlefield experience culminating at Chickasaw Bluffs.

These regiments remained with the forces under General Sherman, and also when General Grant took charge of the Vicksburg expedition, and participated in all the movements, labors and service incident thereto moving down the river below the city, crossing to the east side, and marching out to Jackson, Mississippi, destroying the confederate's ability to resupply Vicksburg, then

turning and fighting the various battles preceding the siege of Vicksburg, and in the siege until the surrender July 4, 1863 including the battle of Champion's Hill.

Champion's Hill, fought on May 16, 1863, is considered by many to be the pivotal battle of the Civil War. Confederate General Pemberton with approximately 23,000 men met Grant's forces. General Pemberton's force was his mobile force from Vicksburg. He was hoping to attack and destroy union supply routes and breakout of Vicksburg to rendezvous with General Johnston's forces before Union forces totally surrounded the city and blockaded it. His efforts were unsuccessful and the battle was bloody. One contemporary source, an officer from General Osterhaus's division in the Union army, described the aftermath of Champion's Hill:

It is impossible to convey an adequate idea of the slaughter occasioned on the right and center of the line. The ground was literally covered with the dead and dying. In the ravines, behind trees, on the summit of the hills, lay the unfortunate men of both armies, some of them stiff and cold in death's icy grasp, others with wounds of every description; here an arm cut off by cannon balls; there a leg hanging by the muscles. It was a sickening sight. Seated in your offices, and by comfortable hearthstones, you know little of the awful horrors of this fratricidal war.⁷

⁶ Letter to Major General Leonidas Polk, October 19, 1862.

⁷ *From our Own Correspondent*, Chicago Tribune, May 29, 1863

h. Siege of Vicksburg – Storming on the 22nd of May 1863

The 7th Kentucky saw significant action from December 1862 through July, 1863 including the battle of Champion's Hill. Their most difficult day came on May 22nd, 1863. On that day, the Union attempted another attack to take the city of Vicksburg by force. A previous assault on the 19th had failed with grievous losses.

General Ulysses S. Grant planned the second assault for May 22, but this time with greater care than the one on the 19th. The Union would first reconnoiter thoroughly and soften up the defenses with artillery and naval gunfire. The lead units were supplied with 10 foot ladders to ascend the fortification walls. This presumably included the 7th Kentucky which was a lead unit on the left flank of the Union assault forces. Grant did not want a long siege, and this attack was to be by the entire army across a wide three mile front.

Despite their bloody repulse on May 19, Union troops were in high spirits, now well-fed with provisions they had foraged between the 19th and the 22nd. On the 20th, seeing Grant pass by, a soldier commented, "Hardtack". Soon all Union troops in the vicinity were yelling, "Hardtack! Hardtack!" as a rallying cry. The Union served hardtack, beans, and coffee the night of May 21. Everyone expected that Vicksburg would fall the next day.

For the first time in history, a major assault was launched by commanders whose eyes were fixed on the hands of watches synchronized the night before. This was necessary for the assault of the 22nd because the usual signal guns would not have been heard above the din of the preliminary bombardment, which

included the naval weapons including six mortar boats.⁸

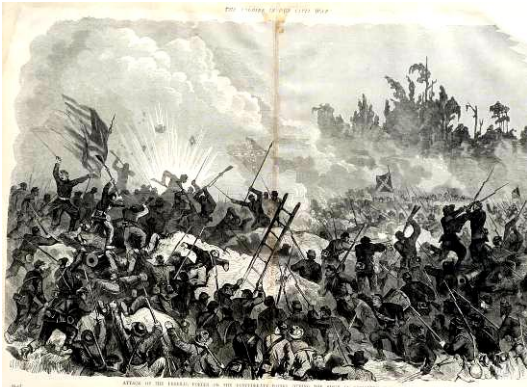
Union forces bombarded the city all night, from 220 artillery pieces and naval gunfire from Rear Adm. David D. Porter's fleet in the river, and while causing little property damage, they damaged Confederate civilian morale. On the morning of May 22, the defenders were bombarded again for four hours before the Union attacked once more along a three-mile front at 10 a.m.

At 10 a.m. the attempt was made to carry the defensive works by storm, nearly 43,000 men, three corps acting simultaneously. In this movement the divisions of Generals Osterhaus and Smith bore a prominent part. General Osterhaus formed his column with the 22nd Kentucky and 42nd Ohio on the right, the 114th Ohio, 49th and 69th Indiana in the center, and the 7th Kentucky and 118th Illinois on the left, the 16th and 120th Ohio deployed as skirmishers. The primary target was to take a defensive fortification known as "square fort". General Osterhaus, in an after report, described the 7th Kentucky's role:

Precisely at 10 o'clock the column advanced against a terrific fire from the rifle-pits and forts. The Seventh Kentucky, leading the left column, advanced to the top of the hill and marched over the naked brow of it through a murderous fire from the great redoubt on the left; they suffered heroically. All the columns reached the top of the hill, and came within so short a distance from the works that all

⁸ *The Beleaguered City*, Shelby Foote, pg. 219

orders and commands given on the enemy's side could be distinctly understood by our men.



Assault on Vicksburg May 22, 1863, sketch from The Soldier in Our Civil War, Vol. II, 1885. Based upon a contemporaneous sketch from the battle.

Colonel John G. Fonda, of the 118th Illinois elaborated on the 7th Kentucky's difficult position in his after action report of May 25, 1863.

My regiment was formed in column by Division in the rear of the Seventh Kentucky, with orders to follow it over the hill. That regiment advanced until about two-thirds of it had reached the top of the hill, when the enemy's fire became so severe that those who had not passed broke back and did not pass. No further attempt was made to pass the hill, for the reason that the ground beyond was so cut up with ravines and covered with brush that it was impossible for troops to pass over it.

Here the soldiers 7th Kentucky who passed the ridge and the rest of the division that crossed the hill remained during the day, unable to advance or retreat until nightfall, when they were

withdrawn. They kept up a rattling fire, however, and aided materially in the success of their comrades on the left. General John A. McClernand, senior corps commander during the Vicksburg campaign under General Grant describes the efforts of the 7th and its brethren units during the battle:

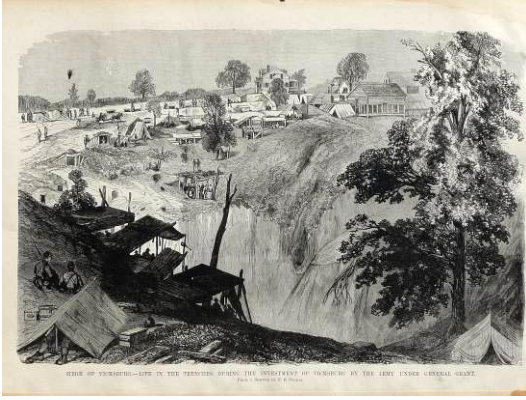
. . . Men never fought more gallantly; nay, more desperately. For more than eight long hours they maintained their ground with deathlike tenacity; neither the blazing sun nor the deadly fire of the enemy shook them. Their constancy and valor filled me with admiration. The spectacle was one never to be forgotten.

Captain J. W. Thompson, acting AG for the 9th Division reported on May 30, 1863 that the 7th suffered severely:

The Seventh Kentucky suffered more severely than any of the rest of the regiments in the command. They were leading the charge on the left, and had to pass over a bare hill, when the enemy poured such a heavy and destructive fire into them that part were forced to retire, and those that did get over the point were forced to remain there prisoners until dark, when most of them succeeded in making good their escape.

The assault of the 22nd of May was a failure and cost the Union army dearly. Union casualties were 502 killed, 2,550 wounded, and 147 missing during eight hours, about evenly divided across the three corps forming the assault that day.

The Union army settled into a siege of Vicksburg that would last almost another two months with Vicksburg finally surrendering primarily out of starvation on July 4, 1863.



Union soldier life siege of Vicksburg, sketch from The Soldier in Our Civil War, Vol. II, 1885.

i. Deployment to Louisiana

The 7th Kentucky, as a result of leading the charge on the Union left, suffered significant casualties. After completion of the Vicksburg Campaign it was reassigned to the Department of the Gulf and stationed in Louisiana. In September, 1863, the original 3 year term of the 7th Volunteers was up. Many of the 7th re-enlisted in the 7th Veteran Volunteer Infantry unit and on December 24, 1864 it was “officially” organized, although it had been operating in Louisiana since late 1863. In addition, the 7th Veterans received the veterans of the 19th and 22nd Kentucky Infantry to supplement its ranks given the number of killed, wounded, and those who chose not to reenlist. It remained on duty in the Department of the Gulf.

Many of the soldiers that were consolidated to form the 7th Veterans had not been in service the two years required by law and the orders of the War Department to officially be considered “veterans”. As a result, those

that had not been in service two years were not granted the thirty days' furlough promised them upon reenlistment. Furthermore, those that joined the 7th Veterans without the required two years service were not mustered in as official Veterans until March 1864. Melville was no different. He was not officially mustered into the 7th Veterans until May 10, 1864 at which time he received his 30 days furlough and 3 months of additional pay.

May 10, 1864 also marks the date that Melville Phelps is promoted to 1st Lieutenant. It appears from the regimental records, held at the National Archives, that Melville was promoted to 1st Lieutenant and moved to Company D of the 7th Kentucky Veterans. Company D becomes “his” unit and includes his nephew, Floyd Phelps⁹, his brother Marion's oldest son¹⁰.

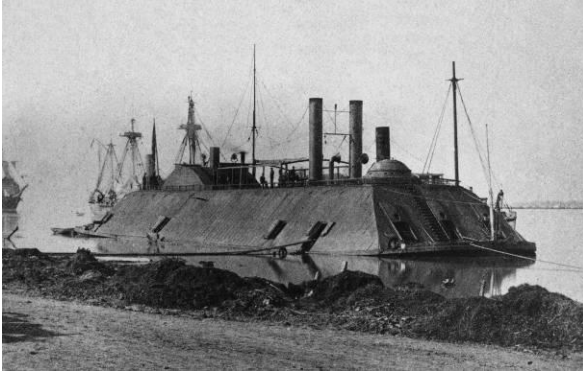
Melville later claims that he contracted his illness in December 1863 or January 1864 suggesting that he began his dock inspection duties almost as soon as they arrived in East Baton Rouge.¹¹ This is somewhat corroborated by the affidavit of his brother William A. Phelps which notes that he first noticed Melville's cough when he came home on furlough

⁹ Floyd's enlistment records document his birthplace as Grayson County, VA and his height as 5' 6". He likely knew Melville all his life since Melville was also born in Grayson County, VA.

¹⁰ While Floyd appears in the 1870 census, this researcher has not found any records of him past that date. No pension request was made concerning his Civil War experience which suggests he may have passed on before he married and/or had children.

¹¹ Affidavit of Melville Phelps pension file received by pension office Feb. 15, 1881

from the war.¹² It is not clear whether this is the same 30 days furlough he received after reenlisting.



Ironclad USS Essex docked Baton Rouge, LA March, 1863 probably a common sight for Melville

j. The Red River Campaign

In May, the 7th Veterans were ordered to join the disastrous Red River expedition, under command of General Banks, in which campaign they suffered severely in killed, wounded and prisoners. On May 10th, 1864, during the Red River Campaign, Melville Phelps was promoted to 1st Lieutenant.

Many historians believe that the Red River campaign, ostensibly intended to cut off the south from its last major source of cash crops, mainly cotton, and source of food and guns, Texas, actually delayed the conclusion of the war by a few months diverting important supplies from General Grant's efforts to capture Mobile, Alabama. Some historians also suggest that the campaign was more about supplying Northern weaving factories with cotton which had become scarce in the North by this time. In fact, many factories had shuttered their doors with no access to cotton for weaving. Certainly the campaign enriched many

¹² Testimony of William A. Phelps ca. 1881 original Pension application.

of the Generals and Admirals involved who sold captured cotton as "prizes" as part of the campaign.

On the 1st of June, 1864, the expedition returned to Morganza, La., and about the 1st of September the remaining 7th Veterans received their furlough, at the expiration of which they rejoined their commands.

Louisiana in 1864 was no picnic. Outside of the major cities it was a disease infested swamp. In 1864, like during much of the Civil War, Louisiana served as a giant malarial feast. In total, over 1.3 million Union soldiers came down with malaria during the war and over 10,000 died from the disease. Melville likely came down with Malaria. It is estimated in 1864 that every single federal soldier serving in the Union army in Louisiana came down with at least one episode of malaria.¹³ Unlike today, some forms of malaria contracted were permanent and debilitating coming back frequently.

k. Return to Baton Rouge

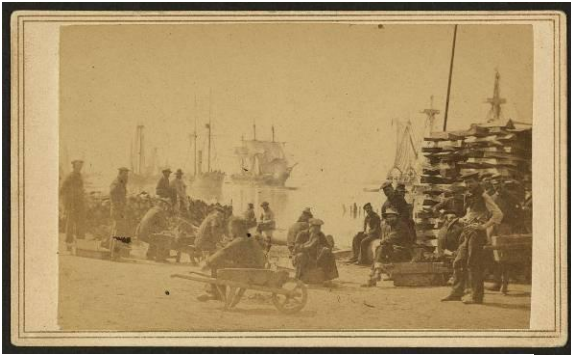
The regiment remained at Baton Rouge doing garrison duty until May 1, 1865, when it was ordered to Clinton, East Feliciana Parish, La. It remained at Clinton until ordered back to Baton Rouge. It is back in Baton Rouge by November, 1865.

The 7th Veterans were not immediately discharged from service. They remained on after the conclusion of the Civil War for nearly a year garrisoning Baton Rouge, Louisiana.

Pension records document that Melville spent much of his time in Clinton and

¹³ John Duffy, "Impact of Malaria on the South," in Savitt and Young, eds., *Disease and Distinctiveness in the American South*, 1941.

Baton Rouge searching ship passengers and cargo for contraband going up and down the Mississippi. This duty started before the end of the war possibly as early as December 1863 and continued until he was discharged from duty in March, 1866. It is this duty which causes Melville to get sick, likely with Bronchitis or something similar, generally at that time known as consumption, which ultimately leads to his pension and early death.



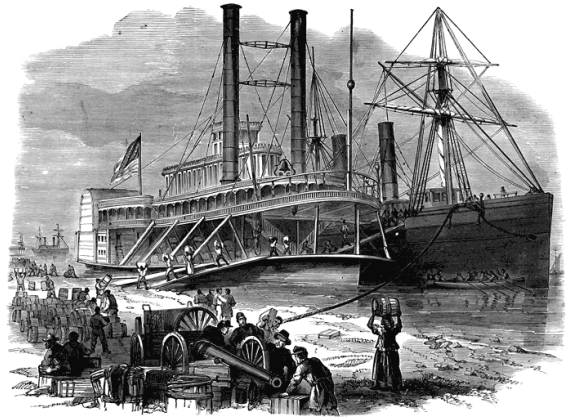
Docks, Baton Rouge, La March, 1863- Admiral Farragut's invasion fleet in background. Melville likely searched ships from docks similar to this.

According to pension records, at some point in the winter of 1863/64 while searching boats at all hours of the night he comes down with a hacking cough. He is never able to shake this cough which becomes more debilitating over the years. His pension records make the following statement regarding how contracted bronchitis:

...that he was required to, and did get out of bed & go out of the house to the boat landing at various hours of the night when boats landed to discharge the duties of said service...¹⁴

¹⁴ Minor Children's Civil War Pension File #438-737: Phelps. Melville; National Archives, Washington, D.C.

It is also likely that his nickname "Dock" is obtained here in East Baton Rouge while on inspection duty but this is not clear. He was known as Dock for the rest of his life as is noted in his obituary.



Transport Northstar being unloaded during Red River Campaign, early 1864. This is likely the type of vessel Melville searched during the war. His affidavits note that he searched "steamships" among other types of vessels.

The regimental order books of the 7th Kentucky document other responsibilities of Melville after he became 1st lieutenant.¹⁵ For example, Melville was ordered on April 6, 1865 to deal with two remanded court martial cases disapproved by Colonel Caldwell, the commander of the 7th Kentucky.

He also participated as a judge in a court martial trial for Private Granville Freeman as ordered on May 6, 1865.

On August 29th, 1865 Melville received orders along with two other officers to determine the "loss and responsibility" for "certain items" that were under the control of Company C. The board of inquiry was scheduled to begin on August 30th.

¹⁵ Held at National Archives in Washington, D.C.

On October 9th, 1865, Melville, along with many of the other commissioned officers of the 7th Kentucky signed a petition, later sent to D.W. Lindsey, Adjutant General of the State of Kentucky, respectfully requesting that Captain Caldwell, current commander of the 7th Kentucky, be promoted to Major.

On November 20th, 1865 an order was issued for Melville, along with two other individuals to appear as witnesses in the matter of Private John Emister. Private Emister was ordered delivered at the same time “under Guard”.¹⁶

On December 5, 1865, Melville Phelps, in New Orleans presumably on leave wrote the following letter to his commanding officer:

New Orleans, La
December 5, 1865

Maj Huffman,
Sir I would respectfully ask for an extension of my leave to twenty days my reason for asking this are that it may enable me to obtain my pay my Regiment has not been paid for nine months and I came here Expecting to be paid but so far I am sadly disappointed and have not the means to return unless I am paid. Should this meet with your approbation, I faithfully promise that I will not take advantage of the time asked for but will return to my Regt on Wednesday.

¹⁶ Records of courts martial and other inquiries are meticulous and would include fully documented witness testimony. The National Archives has these records. It would be interesting to see Melville’s testimony if it still exists in this matter.

Most Respt -
Your obt Servt –
M. Phelps



Melville Phelps circa 1866

It is not clear from the regimental records whether Melville’s request to remain in Baton Rouge on December 5, 1865 is granted. However, he does receive a leave of absence to go to Baton Rouge, LA for three days beginning on December 23, 1865.¹⁷

However, Melville’s attentions at this time were not all with his military duties. At some point in 1864 or 1865 he began to court his future wife Elizabeth Gertrude Puckett. By January, 1866 Melville is deeply in love with his future wife as his letter to her demonstrates (missing sections are related to a physically missing piece of the letter):

Bayou Sara Lea January 24/66

Lizzie

¹⁷ Special Order no. 276, issued December 23, 1865 by order of Colonel William Dickey.

My little darling with feelings more than sad, I again take the pleasure of writing to you, as it is the only way by which I can content myself. Dear it seems like I ought to have had a letter from you by this time but alas it is not the case. I was expecting one up last night by mail but it has not arrived as yet. Love I cant believe it is by any fault of yours that I did not recd a letter. I am so sad if I could only hear from and know you was well and yet intertained the same feelings for me you formaly have it would be all thats necessary to remove my sad feeling. Darling I love you so much that I am miserable when away from you. How slow the time passed when I am away from you. How swiftly sweetly & patiently and ___ when we are together.

Darling I often wish that you would set some time not far distant when we would be joined together and our seperation not so continuous but then again it may be the best to await our fate. Oh, Darling, if I could only kiss those sweet lips of yours and press you to my heart and know that we would never more be seperated it would be joy inexpressible and full of _____. Love I wish I could find words to express my love for you but that is a matter of impossibility. I love you as my own life and would die that you mite live. You are all my _____ all that is agreeable all that I live for all who can make me happy on this earth. You may doubt at the times the cinery of my affections you may think that I am possified with flattery and trying to make an im(pression) upon your mind. Now my darling if such is the case and an() of

the kind ever ente() it
im() never think for a m(oment
I) would be so vile as a lady.
Darling it wa() to ever try to use
_____ forbit I ever
shou(ld) _____ you love.
You m _____ we ever be
married I don't think you will ever
regret the day that joined us.

Darling, I have enemies, I believe at Baton Rouge. No doubt they will try to put you against me. Will they do it love. I think I hear you say no darling as long as I prove true to you, you will never no never forsake me. Love what more can I say I feel the same. When I think of our seperation it pains me oh so much. When will I get a letter my dar(ing?) (I want) to hear from you so much (I) want to see you now so bad . I have the pleasure soon.

_____ (let) me know when you
__to the country and when __have
the __ waiting. _____)ment to _ &
_ so write me a (_nce to promise ()
ts to Nora __I __on the other side
of the river yesturday with Lt.
Shanks. We had a nice buggy ride.
I thout of you all the while.

Love write often you don't know have no idea how bad I want to hear from you the idle of my heart. Withe my prayers for your future health and happiness and to hear from you soon and often I must bid you adieu. God bless you darling.

Remember your friend.
Melville



Elizabeth Phelps circa 1866 – Note the background on the picture is the same one behind Melville Phelps' picture previously. These were taken at the same studio if not on the same date.

The letter makes mention of a Lieutenant Shanks. Melville and Lieutenant Shanks must have been somewhat friendly during this time to have shared a buggy ride for fun. Lieutenant Shanks became a part of the 7th Kentucky Veterans when he reenlisted in service after starting his with the 22nd Kentucky infantry. He was officially attached to the 7th Kentucky on December 10, 1864 when the unit is officially organized. Lieutenant Shanks is the same Charles G. Shanks who witnessed the commotion over the American Flag at the Louisville Journal so many years before. Charles Shanks, after the war, becomes a celebrated journalist and opinion column writer working for many newspapers in New York including the New York Sun. He dies in 1895, shortly after Melville's

death. It is not clear whether they kept in contact after the war.



7th Kentucky Veterans – Caldwell's Company – Officers. Melville is in the upper left and Lieutenant Shanks is in the lower left.

The 7th Kentucky is finally mustered out in East Baton Rouge on the 11th of March, 1866, and embarked, destined for Louisville, Ky, at which place it received final payment and discharge.

Accompanying Melville on his journey home was Elizabeth Puckett. She agreed to marry Melville and they were united on March 6, 1866 just a few months after he writes his love letter. Melville likely lost many good friends and neighbors during the war. The total losses for the 7th Kentucky over the course of the war are 319 men including 5 officers. Of those, over 274 die from disease. As is typical of the time, most men didn't die as a result of actual fighting but from the diseases that afflicted any large grouping of people in less than sanitary conditions.

Melville returns home with his pay, a new wife, and begins to re-establish his life in Bush's Store, Kentucky. He also returns home with something very valuable, lifelong friends throughout Laurel County and London that ultimately will likely support him in his effort to become Jailer.

Presumably, he moved in with his parents who are still living at the time. It is assumed that he took up where he left off and started farming or working as a farm laborer.

However, by 1868 he has his own household as the wedding of his sister, Rachel, is identified as taking place Melville's house.

In addition Post Office records at the National Archives document that he was appointed to the paying position of Post Master of Bush's Store on January 14, 1868. This is a position that he will hold for many years.

III. 1870

By 1871, Melville's Salary as Post Master, according to an 1872 government report is the sum of \$7.00 per year¹⁸. In 1872 his salary doubles to \$14.00 a year as Postmaster.¹⁹ Interestingly, the President of the United States, in 1872 makes \$50,000 annually or approximately \$800,000 in today's dollars. Melville continues as Postmaster until 1879 when his wife takes over the role.

The Post Office Department, for record keeping purposes, sends a request on February 7th, 1870 to Melville, to document the location of Bush's Store.

¹⁸ *Official Register of the United States, 1872*, United States Civil Service Commission

¹⁹ *Official Register of the United States, 1873*, United States Civil Service Commission

He indicates in his response, dated March 4th, 1870, some notable facts, that the local name of the Bush's Store Post Office is "Hodges Store". The most prominent river is the Big Laurel River. The name of the nearest creek is John's Creek. That the Post Office is one mile from the river, on the north side of it, and ½ mile from the creek on the east side of it. That the office was 20 miles from the Mt. Vernon station of the Louisville railroad. The form is a fill in the blank type form. However, that does not stop Melville from being helpful. He notes, below his signature:

I think that there is on file at the County Surveyor's Office at London a map of the County. Robert McKee is Surveyor of the County. This is correct as far as I am able to know.²⁰

He acquires the first land in his own name on September 8, 1871. He purchases 150 acres from John H. Faris for \$300.00. He makes an additional purchase of an undetermined amount of land for \$600 dollars from Jesse M. McFadden on March 27, 1873.

During the 1870s he continues to have children, building his family and his life. His mother, Alsey Love, passes away at some point during the 1870s, although there are no records of this event. It is presumed that she is buried at the Phelps Cemetery west of London on Melville's old property.

Melville owned a considerable amount of land near Bush's store. Some he acquired on his own and some he

²⁰ See Topographer survey, Post Office Department, Contract Office, letter to Bush's Store, response dated March 4th, 1870. The last sentence is offset from the first, it is likely intended to apply to Melville's entire response.

acquired from his father. He also purchased his brother Marion's farm. His father also sold substantial land holdings to William Phelps his oldest son during the 1870s.



London, Ky circa 1875 – Kentucky Historical Society

By 1876 there is a Phelps School located on Melville's property educating not only his children but, presumably, the children of his brothers and sisters who live in the area as well as other neighboring children. In addition, the Mt. Salem Primitive Baptist Church is organized that year at Phelps School.²¹ Melville is identified as a Baptist in his obituary. It is assumed that he and his family attended this church.



Old School house and church circa 1890 taken in Laurel County, Ky. Probably very similar to Phelps School.

At some point during the 1870s, it is likely that Melville started his distilling business. We cannot be sure exactly

²¹ Revised History of Churches in Laurel County KY, 1815-1900; Jerry Gregory, Ed.; pub. Aug 1989

what he distilled initially but, at his death he had substantial quantities of whiskey that were to be sold to pay taxes and the remaining cash bequeathed to his heirs. It is possible that Melville started small, simply turning excess crop yields into whiskey. Whiskey, like all alcohols, would have lasted longer than the excess grain and brought in much needed hard currency. However, at some point, he converted to distilling as his major business²². In an 1879 affidavit for his military pension, Melville claims to make whiskey and brandy, but only "occasionally".²³ He claims his primary occupation is "that of a farmer and farming" since his discharge.

The 1880 Manufacturing Census supports Melville's claim. In it he is noted as a "distiller" but his business is not specifically enumerated because it generated less than \$500 dollars in revenue. What is interesting is that the census taken even bothered to note Melville's business since it was less than the dollar threshold for the census. A lucky break for family researchers.

He probably made his brandy out of apples which was a common libation in Laurel, County at the time. Residents of Laurel County commonly referred to apple Brandy as "Mountain Dew" because it had such a mild character given the "perfection" of the fruit used in its making.²⁴ This also is consistent

²² *Kentucky State Gazetteer and Business Directory 1881-1882*

²³ Affidavit of Melville Phelps dated October 16, 1879

²⁴ *Kentucky: its resources and present condition*, Kentucky Bureau of Agriculture, Horticulture and Statistics, 1878.

with the 400 apple trees that the 1880 census noted as on Melville's property.²⁵

Unlike Melville, most residents of Laurel county have given up distilling because "the [federal] General Government has put such a heavy tax on distilleries, many of the sources of this sparkling [mountain] dew have dried up, and left to the people only the legends of the good times of 'lang syne.'"²⁶

Unlike "Mountain Dew", whiskey is made from malted barley. At this time, alcohol was a cash business and would have generated Melville something most farmers generally didn't have, hard currency. He may have grown some of his own barley and also purchased some from other farmers including his brothers and neighbors. Barley is a major animal feed in addition to being excellent for making whiskey.²⁷ It is also possible that he leased land to grow more barley. Unfortunately, there are no specific records left of exactly when and how Melville entered into the distilling business. The 1880 agricultural census does not detail barley as a crop grown by Melville because it does not ask the question.

What is clear, however, is that distilling became a larger business for Melville. By his death, he had 59 gallons of whiskey noted in his will, it is likely that he was a serious distiller by the time of his death. This was his half of his 50/50 partnership with Alex Tuttle. Thus,

²⁵ See Exhibit A

²⁶ Kentucky: its resources and present condition, Kentucky Bureau of Agriculture, Horticulture and Statistics, 1878.

²⁷ Melville apparently raised cattle as his will indicates that he has cattle which he wills to Robert W. Phelps after his debts are paid. His 1880 agricultural census documents the presence of cattle as well.

there was likely almost 120 gallons in the warehouse in 1893.

Whiskey takes at least three years to age generally in oak casks. Malting barley is a major undertaking that requires spreading barley evenly on a surface known as a malting floor, wetting it, and allowing it to germinate. Once it germinates, it then is dried out and ground into a flower for use in the fermentation process. This was no small undertaking if done for personal consumption particularly where he lists his business as distilling in the *Kentucky State Gazetteer* for 1881.

By 1879, Elizabeth Phelps, Melville's wife, has taken over the position of Postmaster of Bush's Store. She earns \$29.08 a year in that position.²⁸ London is a small community of approximately 100 individuals the train line having not yet reached beyond the county line.²⁹

IV. 1880

By the census of 1880, Melville's mother has passed away. His father is living with Melville at his home. He is also taking care of his seven children and John C. and Melville Phelps, his nephews. They were the children of his brother William Phelps and are listed as farm laborers. They likely assisted their uncle on his sizable farm.

He had a prosperous household. Unfortunately, his injuries from the war were catching up with him. His condition has deteriorated significantly over the years such that he has a difficult time breathing and exerting himself. He notes this in his army pension

²⁸ *Official Register of the United States*, 1880, United States Civil Service Commission

²⁹ Kentucky: its resources and present condition, Kentucky Bureau of Agriculture, Horticulture and Statistics, 1878.

application that he continues to supplement with information throughout the 1880s.

He acquires considerable property during the 1880s including land from Matilda Byble on September 26, 1882; 125 acres from John H. Phelps, his father, on April 8, 1882; 1 acre known as Lihy Station from S.W. Hodge on December 9, 1887³⁰; 100 acres from Ben Magee for \$600 on March 30, 1885; and 150 acres for \$500 from John H. Phelps on February 23, 1888 a month before his father's death.

By this time his land holdings have grown to somewhere in excess of 526 acres of land. The final tally of his acreage is likely significantly higher given the \$600 purchase in the early 1870s which doesn't have an acreage amount attached to it. The 1880 census only documents that he owned and operated a farm with 175 acres, 75 woodland, 75 tilled, 25 permanent meadows. However, it was not unusual for a large landowner to rent out other land that he owned to other farmers. The 1880 agricultural census collected only the operator of a farm not also the owner, unless the owner and the operator were one in the same. In examining the 1880 census we find that the farm right next door to Melville, operated by Isaac McGee, is not owned by Isaac. Instead he rented it for a share of the product of the farm.³¹ It is very likely that Isaac's rented land was owned by Melville. Isaac's rented property accounted for 190 acres, 40 tilled and 150 woodland.

³⁰ I suspect that this one acre plot is the location of his distillery as noted in an 1892 survey later in this document.

³¹ The 1880 agricultural census collected whether the farmer owned, leased for cash, or leased for a share of the product of the farm.

There are four other farms in the near vicinity of Melville's that are also rented in a similar manner.

Bush's Store is a thriving community at this time. In fact, it is identified in the *Kentucky State Gazetteer and Business Directory* for the years 1881-1882 with the following brief description of the community:

Bush's Store a small settlement 9 miles northeast of London. The most accessible shipping plant is Livingston....Livestock is shipped and good grazing land is for sale at ___ - to 10 dollars per acre. Mail semi-weekly.
Elizabeth Phelps Postmaster.

Bush's store, according to the *Gazetteer*, has two Baptist churches, three general stores, a blacksmith, a flourmill, a constable, and someone raising livestock. In addition, Melville's brother, William A. Phelps is listed as a wagon maker. Melville is specifically listed as a distiller. His wife continues as the Postmaster of Bush's Store through at least 1883 earning \$71.27 in 1882 and \$87.3_ in 1883 for her duties.³² In September 1881 she writes a letter to the Pension Office on behalf of Melville which she signs "E. Phelps P.M."³³

His next to final child, Lulu E. Carroll Phelps is born in 1884.

In February 1885, an unusual letter arrives addressed to the attention of the Postmaster of Bush's Store Kentucky. It was written by Lyman Draper, the president of the Historical Society of Wisconsin. Elizabeth Phelps probably

³² *Official Register of the United States*, 1883 and 1884, United States Civil Service Commission

³³ Letter of September 2, 1881 E. Phelps, P.M. to U.S. Pension Office.

opened the letter and immediately discussed it with Melville. Mr. Draper had an avid interest in early American history. According to his letter he was interested in knowing from the Postmaster whether there were any signs in or near Bush's Store that Daniel Boone had passed through the area. Specifically were there "any trees or rocks where he carved any notes of his passage."³⁴ The Wilderness Road carved by Daniel Boone slightly less than 100 years previously ran right next to the settlement.

Elizabeth turned the letter over to Melville for a response most likely because Melville had spent longer in the area than Elizabeth. Melville wrote Mr. Lyman the following reply on February 28, 1885:

Dear Sir,

In answer to your inquiry I will refer you to Henry Wiser for any information you may want. I understand there was a party of Boon's migrants surprised & killed near Faris Station in Laurel County & I have seen what they call Boons Trace you write to James or Esom Faris where old man Wiser lives & they will give you what they know about it.

Their post office is Esomton, Laurel County Ky.

Respects

M. Phelps

By May, 1885, Melville is growing impatient with the bureaucracy of the

³⁴ Letter of Lyman Draper to Postmaster, Bush's Store dated Jan. 20th 1885.

federal government pension program. He has pursued a pension without success for over six years. He writes the following letter in an attempt to speed the pension process:

Bush's Store, Ky
May 4th, 1885

Hon. J. E. Black,
Com. Pensions,

Dear Sir,

Please have my claim for pension no 191,539 settled. The Special Examiner sent us his report on the 9th of March. Please do this & oblige a soldier like me time from you.

Your Respects,

Melville Phelps

Whether this letter did speed up the process is not known but within a few months he apparently began to receive a pension. His health continues to trouble him. According to his pension increase application, Melville complains in November, 1885 that the "disease grows constantly worse causing fluttering or palpitation of the heart."³⁵ Presumably a pension increase application meant that he had a base pension to increase.

By this time Melville is likely thinking about politics. Perhaps some of his old friends and acquaintances from the 7th Kentucky have talked to him about running. Perhaps he thinks that it would be better living for him and his family if he ran for office and moved into the big

³⁵ Declaration for the Increase of an Invalid Pension, dated Nov. 21, 1885.

city of London. In any event, in 1886 Melville runs for and is elected jailer of Laurel County, Kentucky.

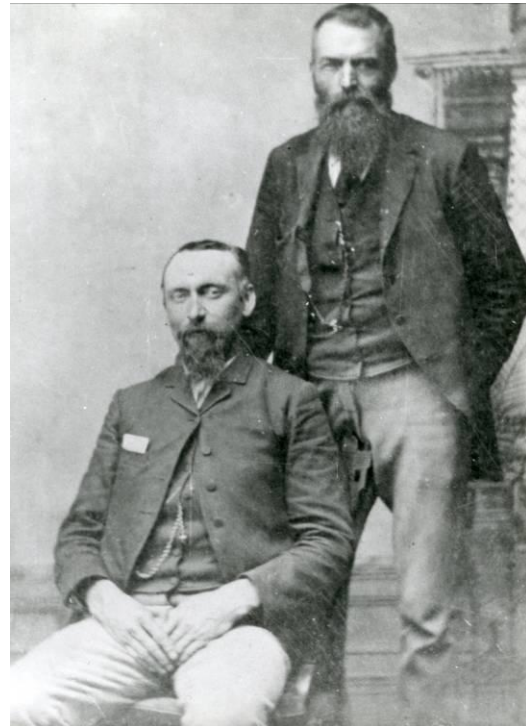
Unfortunately, 1886, while a political victory, is devastating personally. His beloved wife, Lizzie, dies just over a week after his last child dies from a “fever” on May 19, 1886.³⁶ Presumably both die from complications of childbirth. The name of this newborn infant is not known. It may not have been named. Then, sadly, on July 30, 1886 his youngest child, Lulu, dies.³⁷ Surely this was a devastating year for Melville.

Despite what must have been enormous sadness, in August, Melville assumes the role of Jailer of Laurel County following his election. He moves to London into a house on Main Street³⁸. He serves as jailer until 1890. As of October 1, 1886 there are 24 prisoners in the London, Ky jail, mostly moonshiners.³⁹

His experience as jailer is varied. However, one thing is clear; it is more time consuming and difficult than he probably imagined. By early 1887 he sells half of his distilling business to Alex Tuttle.⁴⁰ Apparently, by this time, it is more than just a distillery. From the newspaper story regarding the sale it is also noted as a business that sells general merchandise. Perhaps it was a general store. They quickly rename the business Phelps & Tuttle and move their stock of general merchandise to the community

of Bush’s Store.⁴¹ A P. Tuttle is identified as an ordained American Baptist minister residing in Bush’s Store in 1884.⁴² It would appear that Alex is related to this minister, if not actually the same person.

Melville is also sick in February, 1887. Sick enough that it is noted in the paper which notes his recovery from an unspecified illness.⁴³



Melville Phelps (standing) as jailer with possibly Sheriff Pearl ca 1888

While jailer, Melville suffers another personal loss, his father, 87 years old, dies on March 13, 1888. According to the paper he was living at Melville Phelps’ home near Bush’s Store and had been very feeble for many years.

³⁶ Mountain Echo, editions May 14, 1886 and May 21, 1886

³⁷ Mountain Echo, August 6, 1886

³⁸ Mountain Echo, June 13, 1890

³⁹ Mountain Echo, October 1, 1886

⁴⁰ Semi-Weekly Interior Journal, January 21, 1887.

⁴¹ Semi-Weekly Interior Journal, February 25, 1887.

⁴² *American Baptist yearbook*, American Baptist Publication Society, American Baptist Convention, 1884

⁴³ Semi-Weekly Interior Journal, February 25, 1887.

Apparently he didn't move into town with Melville and his immediate family when Melville became jailer. Interestingly, the paper referred to him as Uncle John Phelps. Perhaps someone writing the paper was related or many people in the area may have referred to him as "Uncle John."⁴⁴

Melville has substantial responsibilities as the jailer. He shuttles prisoners to court to face charges as the following Act of 1888 demonstrates:

CHAPTER 1184.

AN ACT for the benefit of Melville Phelps, jailer of Laurel County.

WHEREAS, Samuel Bernard was confined in the Laurel county jail, under an order of commitment of an examining court, on the charge of murder, without bail; and whereas, a writ of habeas corpus was, on the petition of said Bernard and on his motion for bail, issued by the judge of the fifteenth judicial district, directing M. Phelps, the jailer of Laurel county, to produce the body of said Bernard before said judge at Barbourville, Knox county, a distance of twenty-four miles from London, Laurel county, for the hearing of said motion for bail; and whereas, said M. Phelps, jailer of Laurel county, employed two guards and hired a team to convey said Bernard to Barbourville, in obedience to said writ, and back to London, bail having been refused upon the hearing said writ, at an expense of thirty-two (\$32.70)

dollars and seventy cents, which sum was allowed by the judge of the fifteenth judicial district, and certified to the Auditor for payment; but the Auditor refused to pay same, on the ground that there is no existing law authorizing the payment of same; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of Melville Phelps for said sum of thirty two dollars and seventy cents, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

[Became a law without approval of Governor April 21, 1888.]

Melville also chases down jail escapees which happened several times over his 4 year term:

Two more of Jailer Phelps' prisoners escaped Tuesday – Mart Goff and Josiah Southards, both members of the ball and chain gang.⁴⁵

JAIL ESCAPE-Late last Tuesday evening Jailer Phelps took Hugh Jackson, one of the inmates of the jail to help carry some water and by some means failing to lock the door, the other two prisoners confined in the jail, Henry Millis and James Wilson walked out and made their

⁴⁴ Mountain Echo, March 23, 1888

⁴⁵ Semi-Weekly Interior Journal ____ 1888

escape. They had been gone but a few minutes when their escape was discovered and hot pursuit given. Wilson was recaptured in the woods on Cemetery Hill, but Millis made good his escape. Wilson was only serving out a term of imprisonment for selling a little whisky, which only wanted a few days of being out while Millis was in under the charge of murder. Millis is an Italian, has no hair on his head and Jailer Phelps offers a liberal reward to anyone who will arrest him.⁴⁶

Luckily, the paper printed a retraction. Apparently Melville didn't leave the door unlocked. Instead, the prisoners somehow fashioned a key and made good their escape.⁴⁷ This is not more reassuring for the quality of the jail that London had at the time.

He arrested individuals and placed them in jail:

Wednesday morning as a party of Swiss miners were on their way to Pittsburg, they met a man named Carter, who, without a word or provocation, drew his revolver and fired at one of them named Arnold, striking him in the heel, inflicting a very painful wound. Carter was arrested by W.M. Lovelace and Jailer Phelps and placed in jail to await his examining trial Friday.⁴⁸

He held prisoners for U.S. Marshalls:

Deputy United States Marshal Rogers arrived here Sunday evening from Perry and Leslie

counties with six moonshine prisoners in charge and placed them with Jailer Phelps to await examining trial before Commissioner Faris.⁴⁹

He had to discharge his pistol on at least one occasion and raised a serious ruckus:

Stephen Hunley who on examining trial a few days ago was held for trial in the circuit court on charge of horse stealing, and in default of bail committed to jail made an attempt to escape on Sunday about sunset. Jailer Phelps had him out in the yard carrying a bucket of water when he set the bucket down and hurriedly jumped the fence and struck for the woods and liberty. The jailer having his pistol convenient, drew it and fired the boys say at the moon-but at any rate with such effect as to bring Hunley to a halt and cause him to give himself up to a gentleman who came meeting him. The firing of a pistol on a quiet Sabbath evening drew quite a crowd to the streets and caused some excitement, but it soon subsided and Hunley was again put under lock and key.⁵⁰

His regular life continued as well. His daughter, Naomi, married Ira Davidson on December 19, 1888 at Melville's home.⁵¹ It is not clear whether this means Melville's home in London or his home at Bush's Store. Presumably Melville was present.

Within a year, Ira and Naomi have their first child, a boy, and, according to the

⁴⁶ Mountain Echo, June 27, 1890

⁴⁷ Mountain Echo, July 4, 1890

⁴⁸ Semi-Weekly Interior Journal, April 13, 1888

⁴⁹ Semi-Weekly Interior Journal, March 20, 1888

⁵⁰ Mountain Echo, July 25, 1890

⁵¹ Mountain Echo, December 21, 1888

paper, it “tickles Dock Phelps down in his boots to be called grand pap.”⁵² By November, 1889, the paper notes that Ira and his family have moved to Bush’s Store.⁵³

Despite all of his work and family duties, Melville becomes the guardian for a nine year old child named John D. Taylor on May 24, 1870.⁵⁴ The child’s father, Alexander Taylor, died and the mother, Mary, was ruled unfit for financial reasons. In addition, the court found that the mother had previously been found guilty of adultery and therefore was morally unfit to raise her child.⁵⁵ This was likely a finding as part of a divorce proceeding as adultery was one of the few reasons divorces would have been granted at the time.

It also turns out that Alexander Taylor was a member of Melville’s unit with the 7th Kentucky during the war. He lived at Bush’s Store when he passed on and was likely a lifelong friend of Melville’s. Melville clearly knew John Taylor and his father and felt an obligation to take care of his friend’s son.

V. 1890

1890 marks Melville’s last year as jailer of Laurel County. His daughter, Elizabeth, marries George Golden from Barbourville in June.⁵⁶ The ceremony takes place at Melville’s home on Main Street in London. They immediately leave for Barbourville.

⁵² Semi-Weekly Interior Journal, October 4, 1889

⁵³ Semi-Weekly Interior Journal, November 8, 1889

⁵⁴ Guardian’s Bond dated May 24, 1870, Laurel County, Kentucky

⁵⁵ Orders of Laurel County Court dated May 24, 1889

⁵⁶ Mountain Echo, June 13, 1888



Melville Phelps and family circa 1890. Back Row left to right - Horton Golden, Elizabeth Phelps Golden, Nancy C Phelps (Nannie Brown), Omi (Naomi Louisiana Phelps) Davidson, Robert Woodson Phelps; Front Row left to right - Melville Phelps, Melville Manion Beverly "Bev" Phelps, Ira J. Davidson holding Harry M. Davidson

Melville’s lung condition likely had significantly debilitated him. The 1890 Special Schedule to the census for Civil War veterans notes that he suffers from Bronchitis. Four of the twelve former soldiers noted on the same census page as Melville suffer from Bronchitis.

He does not run for re-election as Jailer. In fact, by August 22, 1890 he has returned to his home at Bush’s Store:

Our recently elected jailer, D. H. Loville, has moved to town and assumed the duties of his office, our old jailer, M. Phelps, having gracefully yielded his place, has moved his family to his farm about ten miles from London on the Manchester road. Mr. Phelps says he has a tender feeling for the people of London on account of their kind treatment of him

while a resident of the place and that he leaves with regret.⁵⁷

Despite his ill health, Melville agrees to again become a guardian for a child. He is appointed guardian for Charley Sanford on November 19, 1890.⁵⁸

On March 3, 1891 the federal government passed a bill to reimburse Union soldiers for unpaid wages from the Civil War. Many soldiers hadn't received their full pay during or after the war. Chronic missed and late payments occurred frequently and Melville was no different. By June 30, 1892, Melville Phelps was paid \$157.95 under Claim #150947 for back pay owed him for his Civil War service.⁵⁹

The Phelps & Tuttle Distillery is officially listed as distillery with a federal identification number of 1372 and has a warehouse at Bush's Store, Ky.⁶⁰ The federal Internal Revenue Service indicates that spirits were deposited in the Phelps & Tuttle warehouse, taxes were paid, and spirits remained in their warehouse as of July 1, 1892. The 1894 report also shows that spirits were deposited into the warehouse and that taxes were paid upon withdrawal, but by June 30, 1894 nothing was left in the warehouse.⁶¹ Strangely, the 1892 report indicates that Melville Phelps had his own distillery tax number as well, number 47. One other distiller is in operation in Laurel county in 1892 as well. Its' name is Taylor & Gilbert. It also is located at

Bush's Store. By 1894, Taylor has a new partner and it is known as Taylor & Jones.

Insurance underwriter records compiled in 1892 suggest that the Phelps & Tuttle distillery was located on Punch[e]on (s.p.) Camp Creek. The distillery building measured 22 x 30 ft and was built from logs. The property included a single 20 x 22 ft bonded warehouse of frame construction with a shingle roof, located 135 ft from the still.⁶²

Despite his ill health, Melville's home at Bush's Store serves as a focus for community entertainment. The Mountain Echo, the local paper, reports on December 5, 1892 that:

There was a quilting and hog killing at Mr. M. Phelps Thursday[December 1, 1892] and some of the boys took on a little too much brandy.

The paper goes on to state that Melville will have a "dance at Christmas".

He lived just a few more months after Christmas, 1892. One final illness left him bedridden in April, 1893. Fearing that his time was short, he called together friends and family to write his last will and testament. On April 9, 1893 he wrote his last will and signed it. It was witnessed by his son-in-law Ira Davidson and a S.S. Phelps. It is not known who S.S. Phelps was. It was not his older brother Samuel, who passed away in 1888.

In his will he leaves a generous estate including a "Mansion House" at Bush's store, significant land holdings in excess of 500 acres, 59 gallons of whiskey from his distillery, the Marion Phelps farm (which it appears that he purchased from

⁵⁷ Mountain Echo, August 22, 1890

⁵⁸ Guardian's Bond, Nov. 19, 1890 Laurel County, Kentucky

⁵⁹ 1892 Stat pp. 984,985

⁶⁰ Report, Commissioner of Internal Revenue, July 1, 1891 to June 30, 1892, page 110.

⁶¹ Report, Commissioner of Internal Revenue, July 1, 1893 to June 30, 1894, page 102.

⁶² www.pre-pro.com. Distillery record of #1372

his brother's children as there is a mortgage on it that must be satisfied), cattle, substantial furniture, a large trunk, and a silver watch. The watch remained in Robert Woodson Phelps' descendant's possession until relatively recently when it was stolen during a break-in at a descendant's home in Fariston. Perhaps someday it will turn up again.

The Semi-Weekly Interior Journal carries the following obituary:

Melville Phelps, a prominent citizen of the county, died at his home near Bush's Store, Tuesday, April 11, of consumption. Mr. Phelps, who was known all over the county as "Dock," was 53 years old, was a prominent republican, having been elected one term as jailer of the county. He was a member of the Baptist church and was a Mason, as well as having engaged in the distilling business for many years.⁶³

The Mountain Echo records his obituary differently and provides a more personal view of Melville:

Died – at his residence in this county, nine miles East of London at 3 o'clock last Tuesday evening of consumption, Mr. Melville Phelps familiarly known as "Dock." For several years he has been afflicted with that dreadful disease, consumption, but was confined to his bed but a few days when death relieved him. He was about 53 years of age. He entered the Federal Army at the breaking out of the late war, serving nearly four years as brave and true a soldier

as ever shouldered a musket, and all the remainder of his life he lived a citizen of Laurel county. He was elected and served one term as jailer of our county, and was at the time of his death a member of the H. H. Scoville Post, No. 52, G.A.R. and of the McKee Lodge, No. 144, F. & A. M. His remains were buried Wednesday evening in the family burying ground near his home with Masonic honors. Mr. Phelps was as kind and generous hearted a man as ever lived and the bereaved family have our most sincere sympathy.⁶⁴



Melville's Grave, July 2010

⁶³ Semi-Weekly Interior Journal, April 14, 1893

⁶⁴ Mountain Echo, April 19, 1893



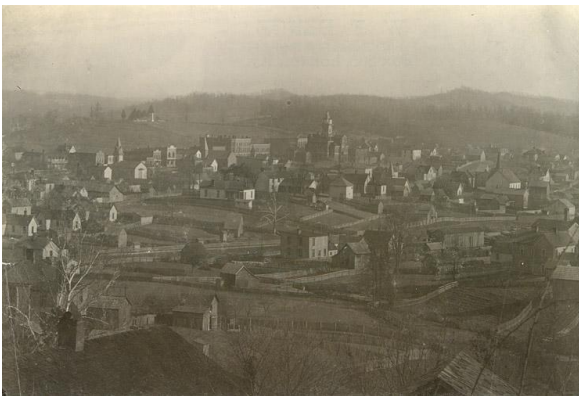
*Elizabeth Gertrude Puckett's grave – July, 2010
Caption Reads – "T'was hard to let thee go but
thy will oh lord be done"*

It is a prosperous and thriving community helped in part by Melville and his family's contributions to the community.

VI. Conclusion

Both Bush's Store and London grew tremendously over the course of Melville's Life. Bush's store in 1897 has 275 residents.⁶⁵ It is a prosperous community that continues on into the early 20th century.

London's growth is demonstrated by this picture that dates to sometime prior to 1904:



London circa 1890-1904. Note the courthouse.

⁶⁵ *The Standard American Encyclopedia*, Volume VIII, 1987

EXHIBIT A
1850-1880 Agricultural Census
Phelps Family – Grayson County, VA and Laurel County, KY

| | Owner | LAND | | | FARM VALUE | | | | | | | | |
|-----------------|-------|--------|---------|----------|---------------------------|--------------|-----------|-----------------------------|---|-----------------------------------|------------------------------|------------------------------------|--|
| | | Tilled | Meadows | Woodland | Value of Land & Buildings | Improvements | Livestock | Fences Installed Prior Year | Estimated Value of Production sold, consumed or on-hand | Total Value of Home Manufacturing | Value of Animals Slaughtered | Total Value of All Farm Production | |
| John H. Phelps | | | | | | | | | | | | | |
| (VA)1850 | NA | 60 | NA | 150 | 500 | 120 | 275 | NA | NA | 50 | 34 | NA | |
| 1860 | NA | 30 | NA | 30 | 300 | 15 | 400 | NA | NA | 30 | 60 | NA | |
| 1870 | NA | 55 | NA | 35 | 500 | NA | 160 | NA | NA | 10 | NA | 865 | |
| Marion Phelps | | | | | | | | | | | | | |
| 1860 | NA | 60 | NA | 300 | 2100 | 25 | 500 | NA | NA | 40 | 40 | NA | |
| William Phelps | | | | | | | | | | | | | |
| 1860 | NA | 30 | NA | 100 | 1000 | 10 | 225 | NA | NA | 20 | 50 | NA | |
| 1870 | NA | 45 | NA | 35 | 1000 | NA | 368 | NA | NA | 40 | 125 | 1863 | |
| Melville Phelps | | | | | | | | | | | | | |
| 1870 | NA | 40 | NA | 110 | 800 | 20 | 575 | NA | NA | 15 | 125 | 2169 | |
| 1880 | X | 75 | 25 | 75 | 2000 | 75 | 200 | 25 | 150 | NA | NA | NA | |

NA – Generally means “Not Applicable”. The census questions from 1850 through 1880 were not always the same. This chart is a summary, to the best of my ability, comparing the data.

Ownership of land was a question only asked in 1880. Melville is surrounded in 1880 by individuals renting/leasing land. It is likely that this explains why the deed data on does not align with the 1880 census data above. He was renting his excess property.

EXHIBIT A
1850-1880 Agricultural Census
Phelps Family – Grayson County, VA and Laurel County, KY

| | LABOR | | GRASSLANDS | | | | | COWS | | MEAT CATTLE | |
|-----------------|-----------------------|-----------------------|--------------|------------|---|----|----|--------|---------------|--------------|-----------|
| | Amount Paid for Labor | Weeks of Labor(White) | Mown (Acres) | Hay (Tons) | | | | Horses | Mules & Asses | Working Oxen | Milk Cows |
| John H. Phelps | | | | | | | | | | | |
| (VA)1850 | NA | NA | NA | 5 | 1 | NA | 2 | 4 | 5 | NA | 100 |
| 1860 | NA | NA | NA | 1 | 4 | 1 | NA | 2 | 6 | NA | 100 |
| 1870 | NA | NA | NA | 5 | 1 | NA | 1 | 1 | 5 | NA | 100 |
| Marion Phelps | | | | | | | | | | | |
| 1860 | NA | NA | NA | 3 | 5 | NA | NA | 5 | 6 | NA | 100 |
| William Phelps | | | | | | | | | | | |
| 1860 | NA | NA | NA | 10 | 1 | NA | NA | 4 | 4 | NA | 100 |
| 1870 | NA | NA | NA | 1 | 1 | NA | NA | 4 | 5 | NA | 100 |
| Melville Phelps | | | | | | | | | | | |
| 1870 | 150 | NA | NA | 10 | 2 | NA | 2 | 2 | 10 | NA | 100 |
| 1880 | 75 | 18 | 10 | 2 | 4 | NA | NA | 2 | 3 | 1 | 100 |

Some questions were left off the 1880 census data because they were not applicable. For example, Melville did not employ any non-white labor so the question “Weeks of Labor – non-white” was left off.

Calves Dropped was a question only asked in the 1880 census.

Note that butter is 100 lbs across the board. I speculate that this was some type of limit or it was simply a standard estimate of what a family consumed. This is an example of why the US government probably stopped counting this information as it was only as accurate as that filled in by the census taker.

EXHIBIT A
1850-1880 Agricultural Census
Phelps Family – Grayson County, VA and Laurel County, KY

| | SHEEP | | | | | | Swine | CHICKENS | | |
|-----------------|---------------|---------------|-------------|-------------|---------|--------------|-------|-----------|-------|------------------------|
| | Sheep On Hand | Lambs Dropped | Sold Living | Slaughtered | Fleeces | Weight (Lbs) | | Barn-Yard | Other | Eggs Produced (Dozens) |
| John H. Phelps | | | | | | | | | | |
| (VA)1850 | 30 | NA | NA | NA | NA | 60 | 40 | NA | NA | NA |
| 1860 | 10 | NA | NA | NA | NA | 15 | 20 | NA | NA | NA |
| 1870 | 6 | NA | NA | NA | NA | 12 | 4 | NA | NA | NA |
| Marion Phelps | | | | | | | | | | |
| 1860 | 30 | NA | NA | NA | NA | 50 | 30 | NA | NA | NA |
| William Phelps | | | | | | | | | | |
| 1860 | 10 | NA | NA | NA | NA | 20 | 15 | NA | NA | NA |
| 1870 | 9 | NA | NA | NA | NA | 25 | 20 | NA | NA | NA |
| Melville Phelps | | | | | | | | | | |
| 1870 | 15 | NA | NA | NA | NA | 7 | 35 | NA | NA | NA |
| 1880 | 17 | 5 | 5 | 2 | 12 | 36 | 22 | 10 | 36 | 50 |

John Phelps' swine population in 1850 suggests he may have been focused on pig farming in Virginia.

Sheep were obviously important for the entire family for every census.

Chickens were only counted in the 1880 census.

EXHIBIT A
1850-1880 Agricultural Census
Phelps Family – Grayson County, VA and Laurel County, KY

| | INDIAN CORN | | OATS | | Tobacco(Lbs) | WHEAT | | Beans(Lbs) | POTATOES | | |
|-----------------|-------------|---------|-------|---------|--------------|-------|---------|------------|----------|---------------|---------------|
| | Acres | Bushels | Acres | Bushels | | Acres | Bushels | | Acres | Irish Bushels | Sweet Bushels |
| John H. Phelps | | | | | | | | | | | |
| (VA)1850 | NA | 150 | NA | NA | NA | NA | 5 | NA | NA | NA | NA |
| 1860 | NA | 300 | NA | 50 | 100 | NA | 35 | NA | NA | 30 | 10 |
| 1870 | NA | 100 | NA | 25 | 100 | NA | NA | 1 | NA | 14 | NA |
| Marion Phelps | | | | | | | | | | | |
| 1860 | NA | 600 | NA | 50 | 100 | NA | 75 | 5 | NA | 20 | 100 |
| William Phelps | | | | | | | | | | | |
| 1860 | NA | 200 | NA | NA | 100 | NA | 35 | 5 | NA | 15 | 45 |
| 1870 | NA | 200 | NA | 125 | 100 | NA | NA | 8 | NA | 30 | 25 |
| Melville Phelps | | | | | | | | | | | |
| 1870 | NA | 300 | NA | 12 | 100 | NA | 40 | 2 | NA | 57 | NA |
| 1880 | 35 | 300 | 5 | 65 | NA | 8 | 67 | 5 | 1/8 | 10 | NA |

Tobacco grown, for some reason was not a question in 1880. It is likely that Melville continued to grow tobacco since it was a good cash crop. Note that like butter it is an across the board 100 pounds. This suggests that this data is not accurate or that there was a limit imposed by outside authority on growing tobacco.

Marion is the only family member who really invests heavily in sweet potatoes. Acres of potatoes were only measured in the 1880 census.

EXHIBIT A
1850-1880 Agricultural Census
Phelps Family – Grayson County, VA and Laurel County, KY

| | APPLES | | | | FORREST PRODUCTS | | FLAX | | RYE | | | |
|-----------------|--------|---------------|---------|-------------------------|---------------------|--|--------------|----------------|---------|--------------------|---------------|-------------|
| | Acres | Bearing Trees | Bushels | Total Value of Orchards | Amount of Cords Cut | Value of sold or consumed Wood (dollars) | Flax Bushels | Flaxseed (Lbs) | Bushels | Molasses (Gallons) | Beeswax (LBS) | Honey (Lbs) |
| John H. Phelps | | | | | | | | | | | | |
| (VA)1850 | NA | NA | NA | 50 | NA | NA | 30 | 3 | NA | NA | NA | 70 |
| 1860 | NA | NA | NA | NA | NA | NA | NA | NA | 15 | 40 | NA | 15 |
| 1870 | NA | NA | NA | NA | NA | NA | 35 | 3 | NA | 15 | NA | NA |
| Marion Phelps | | | | | | | | | | | | |
| 1860 | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | 20 |
| William Phelps | | | | | | | | | | | | |
| 1860 | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | 5 | 75 |
| 1870 | NA | NA | NA | NA | NA | NA | NA | NA | NA | 15 | NA | 30 |
| Melville Phelps | | | | | | | | | | | | |
| 1870 | NA | NA | NA | 40 | NA | NA | NA | NA | NA | NA | NA | NA |
| 1880 | 10 | 400 | 400 | 40 | 20 | 20 | NA | NA | NA | NA | NA | NA |

Apples were a big crop for Melville and briefly for John Phelps before moving to Kentucky. Melville likely utilized some of this crop for his distilling. Later, his son Robert Woodson Phelps would continue growing apples in his own orchard in Fariston.

One final note, Marion is found only in the 1860 agricultural census despite being in the 1870 population census. It is not completely clear as to why he is not counted particularly since his occupation is listed in the 1870 census as a farmer with a farm valued at \$3,000.