

# The Story of Old Drum

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Ever wonder where the old saying, "A man's best friend is his dog," came from? Well, if you guessed Warrensburg, Missouri, you were right!

Senator George Graham Vest won a court battle and the hearts of dog lovers everywhere when he paid his famous tribute to the dog during the 1870 Burden vs. Hornsby court case in Warrensburg. The speech included the line, "The one absolutely unselfish friend that a man can have in this selfish world, the one that never deserts him, the one that never proves ungrateful or treacherous, is his dog."

The "[eulogy to the dog](#)" won the case for Charles Burden whose favorite hound, Old Drum, was shot by a neighbor & brother-in-law, Leonidas Hornsby, who had sworn to shoot the first sheep-killing dog that came onto his land. Although Hornsby had hunted with Drum and acknowledged him to be one of the best hunting dogs he had ever seen, he also suspected that Drum was the dog that had been killing his sheep. Hornsby, carried out his threat when one night a dog was found prowling in his yard. That dog was Old Drum.

Burden immediately sued Hornsby for damages, and the trial quickly became one of the strangest in the history of this area of the country. Each man was determined to win the case. After several trials at magistrate court and district court, punctuated by appeals by the loser in each trial, the case finally reached the Supreme Court of Missouri. The award of \$50 in damages to Burden for the loss of his favorite hunting dog was upheld.

The many trials involved prominent attorneys on both sides. David Nation, whose wife Carrie made a name for herself in the Temperance Movement, appeared for Burden in one of the early encounters. The last jury trial, held September 23, 1870, in what is now the [Johnson County Historical Society](#) museum, featured the most prominent lawyers.

Hornsby, the defendant, was represented by the firm of Crittenden & Cockrell. Tom Crittenden had been Lt. Col. of the 7th Cavalry, Missouri State Militia (Federal), in the 'late unpleasantness'. He was to go on to the Governorship of Missouri in 1880; Tom Crittenden issued the reward that motivated the Ford brothers to kill Jesse James. His partner was Francis Marion Cockrell, recently a Brigadier General commanding the 1st Missouri Brigade (CSA), one of the hardest-fighting units in the Confederate Army of Tennessee ([see Cedarcroft B&B's Civil War bibliography](#) for more on his history). Cockrell later spent 5 terms in the U.S. Senate.

Appearing for Burden was the Sedalia-based firm of Phillips & Vest. John Phillips had been a Union Colonel & Tom Crittenden's immediate superior; he was later a congressman and a federal judge. George Graham Vest had been a strong secessionist, having written Missouri's Articles of Secession while in the state legislature in 1861. His war service was in Richmond representing Missouri in the Confederate House of Representatives and Senate. He later served in the U.S. Senate for 4 terms.

Perhaps because he spent the war talking rather than fighting, George Vest was known as one of the finest extemporaneous speakers in an age when the spoken word was the most important means of communication for most people. Vest's closing argument in the Old Drum case, known as his "eulogy to the dog," won the case and became a classic speech, recognized by William Safire as one of the best of the millenium.

Through the direction of the Warrensburg Chamber of Commerce and coordinated efforts by many dog lovers across the country, Old Drum was immortalized in a statue on the Johnson County Courthouse lawn in Warrensburg on September 23, 1958. Previously, in 1947, Fred Ford of Blue Springs placed a

monument to Old Drum at a crossing of Big Creek where Old Drum's body was found. If you're interested in exploring the Old Drum sites, check out our [Old Drum Tour](#).

While no record was kept of the last half of Vest's tribute to a dog, the first portion has fortunately been preserved. It was this speech that originated the saying, "A man's best friend is his dog."

George Graham Vest speaking:

"Gentlemen of the jury, the best friend a man has in this world may turn against him and become his enemy. His son or daughter whom he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us -- those whom we trust with our happiness and good name -- may become traitors in their faith. The money that a man has he may lose. It flies away from him, perhaps when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The one absolute, unselfish friend that man can have in this selfish world -- the one that never proves ungrateful or treacherous -- is his dog.

"Gentlemen of the jury, a man's dog stands by him in prosperity and poverty, in health and sickness. He will sleep on the cold ground, where the wintry winds blow, and the snow drives fiercely, if only he can be near his master's side. He will kiss the hand that has no food to offer; he will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journey through the heavens.

"If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying him to guard against danger, to fight against his enemies. And when the last scene of all comes, and death takes the master in its embrace, and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by his graveside will the noble dog be found, his head between his paws, his eyes sad but open in alert watchfulness, faithful and true even to death."