

March 1, 1948

THE MATT. WARD MURDER TRIAL

MR. Chairman AND MEMBERS OF THE FILSON CLUB:

Ninety-four years ago, in the oldest and loveliest part of Cave Hill, the people of Louisville erected a simple ^{Shaft of} white stone ~~shaft~~ to the memory of a 28-year old school teacher.

Tonight I propose to tell you the story of "THE MATT. WARD MURDER TRIAL", which will explain why the people erected that monument by public subscription, with these words carved upon its four sides:

Wm. H. G. Butler

Born in Jefferson Co. Ind.

Oct. 31, 1825

Died at Louisville, Ky.

Nov. 3, 1853

This monument is erected by his pupils and a bereaved community to show their appreciation of his worth and to perpetuate their horror at his murder.

He fell by the hand of violence in the presence of his beloved pupils, a martyr to his trust and the discharge of duty.

A man without fear and without reproach; of conscience; of sterling disposition; of clear and vigorous mind and body; a noted scholar; a devoted and successful teacher; a meek and humble Christian.

During the 1820's, Mr. Robert J. Ward was a young lawyer at Georgetown, and quite prominent in the Kentucky Legislature. In the 1830's, he abandoned law and politics, and amassed a large fortune as a commission merchant in New Orleans and Louisville.

In November, 1853, he and his wife, with their seven children — including the famous beauty Sally Ward, and four sons: Matt. Ward (aged 27), Robert J. Ward, Jr. (aged 17), Victor Ward (aged 15), and Willie Ward (aged 14) — resided in a large, handsome house on the northeast corner of Second & Walnut Streets,

diagonally across the corner from the present Pendennis Club. Some say that Mrs. Ward and her sons were domineering and arrogant in their recently acquired wealth.

In the same year — 1853 — Mr. William Butler (aged 28) was the Principal of the Louisville High School — the best private Boy's School in the city. Professor Sturgus was his only assistant.

Butler was the much younger brother of Professor Noble Butler, who, for an entire generation [1840-1882] was Louisville's most distinguished educator, as a teacher of Ancient and Modern Languages, a text book author, and a newspaper editor.

Butler had once been a tutor in the Ward family, and was on most friendly terms with them. Later he had traveled extensively abroad, and was the author of a series of letters describing European political, geographical, and social customs and conditions.

The Murder

On Wednesday, November 2, 1853, about 10 o'clock in the morning, Matt. Ward, accompanied by his two younger brothers Robert and Willie, entered Mr. Butler's school, called him out from his recitation room, and in the presence of the 40 pupils, cursed him as a "damned liar" and "damned scoundrel", struck him, and then shot him in the left breast, leaving the pistol hanging in Butler's clothing.

Butler staggered a few feet, fell to the floor, arose, and stumbled into Mr. Sturgus' recitation room. Three pupils helped him out into the street, and then carried him to the house of his brother in law, Mr. Harney, about 150 feet away.

~~Four~~⁵ leading doctors quickly arrived, and ministered to him as he lay upon the floor, but to no avail as the wound was mortal. Mr. Butler knew that he must die, and told the circumstances of the shooting.

Matt. Ward and his brother Robert were immediately arrested and jailed.

Mr. Butler died shortly after midnight, and the morning newspapers of ~~November 3~~ described the great excitement, indignation and resentment, at what they termed an "unprovoked and diabolical" murder.

On the same day, the Wards had an examining trial in the Police Court, before Hon. John Joyes; and they were remanded to jail on the charge of murder in the first degree.

Some weeks later, the Wards filed affidavits that feeling in Jefferson, Oldham and Shelby Counties was so intense against them, that they could not get an impartial trial in any of those counties. The case was transferred to Hardin County; and the Wards were confined for four months in the Elizabethtown jail.

The Alleged Cause of the Murder

At this point, you may wonder what could have precipitated such a murder.

Although the Trial Judge would not let the Prosecution's witnesses tell about Professor

Butler's alleged "whipping" of Willie Ward, nevertheless Ward's four lawyers spent most of their 16 hours of oratory in emphasizing that "whipping" as a practical justification for the murder. *I might as well tell you that back growth.*

Four or five months prior to the murder, Professor Sturgus took Willie Ward (aged 14) by the coat collar, shook him, and boxed his jaws. Mrs. Ward, in great excitement, sent for Mr. Sturgus, and demanded what he meant "by treating a Ward in that manner"; and intimated that she would withdraw her sons from the school. Mr. Sturgus replied "that we would be very glad if she would withdraw them both, as it would probably save us the trouble of dismissing them".

Mrs. Ward quieted down and said to let her know if the boys misbehaved, and she would correct them. Mr. Sturgus explained that discipline could not be enforced in that way, as it must be punished on the spot; and Mrs. Ward made no objection.

Matt. Ward at once went to the school, and gave Mr. Sturgus "to understand that he had intended, as soon as he heard of his brother's punishment, to call and inflict personal violence; that Sturgus was an older man than he had supposed, and that that alone prevented his taking such a course".

Some weeks before the murder, the Ward boys brought a great many nuts to school, and ate them during the class. Mr. Butler excused them for doing so, but told them that if it happened again, he would punish the offender by whipping him.

On the day before the murder, Willie Ward again brought some more chestnuts into the class, and divided them among the boys, who ate them and threw the hulls on the floor. Mr. Butler saw some quarreling between Willie Ward and another pupil during the class; found the hulls; inquired of all the boys about them; and they told him that Willie Ward had given the chestnuts to them during class. Willie denied it; the boys

They were:

John J. Crittenden, aged 67, at that time United States Senator, and one of the most influential men in the State, who had been Governor of Kentucky, nominated for the Supreme Court of the United States, twice Attorney General of the United States, and six times United States Senator;

John L. Helm, aged 52, who had been Lieutenant Governor under Mr. Crittenden, twice Governor of Kentucky, and hence of great local influence in Elizabethtown where he lived;

Thomas F. Marshall, aged 53, a former Congressman, and, at that time, Kentucky's greatest orator and one of its leading trial lawyers;

George Alfred Caldwell, aged 40, twice a Congressman, a distinguished soldier in the Mexican War, and at the top of the Louisville bar;

C. G. Wintersmith, Speaker of the House in the Kentucky Legislature;

Nat Wolfe, Commonwealth's Attorney in Louisville, and an extremely able criminal lawyer.

The lawyers for the Prosecution seem to have been (with one exception) timid, over-awed by the great distinction of their opponents, and even apologetic in their prosecution.

The Testimony

The Prosecution introduced 24 witnesses:

- 1 (a gunsmith), who less than an hour before the murder sold to Matt Ward the two pistols he used, and loaded them at his special request;
- 5 (including 3 doctors) showed that Butler's right hand was so deformed and crippled (from a burn in infancy) that he could neither open nor close it;
- 13 pupils, who were in the school room, and were eye-witnesses to the murder;
- 5 physicians who attended the dying man;
- 4 showed that Butler knew he was dying when he made his declarations of how Ward killed him;
- 3 who proved Ward's dying declarations.

The 24 witnesses told the following story of the tragic events of that Wednesday morning, November 2, 1853:

9 A.M. Matt Ward went to Dickson & Gilmore's Gunsmith shop, on Third Street between Main & Market; bought two new, self-cocking pistols, with 2 1/2 inch barrels, which would shoot through a 2 inch plank; and had Gilmore to load them with powder and ball, and put caps on them, fully prepared for immediate use.

9:30 AM. The Ward's colored servant went to the school house, and took away the school books of Victor and William Ward.

10 A.M. Matt Ward was walking up Third Street, near the Post Office at Third & Jefferson, with one hand in his pocket and the other by his side. He walked with a firmer gait than usual, with a firmness and determination in his appearance that Mrs. Harney had never seen before.

10 A.M. [or a few minutes later] a pupil (Knight), who was in the Sturgus recitation room, saw

U
Matt Ward, with his brothers Robert and Willie, enter the school yard. On the day before, Knight had heard threats from Victor ~~Ward~~ and Willie Ward; and he expected trouble the moment he saw the Wards enter the yard. He went to the Sturgis door, and into the school room, where he ~~was an~~ eye-witness^{ed} to the entire tragedy. *and 12 other pupils were*

Matt Ward, "looking healthy and vigorous", entered the school room, with his brothers Robert and Willie.

There were about 40 pupils in the school.

Matt stood by the door, and kept his right hand in his trousers pocket, grasping one of the pistols he had just bought. Robert (armed with a concealed Bowie knife) stood about two feet in advance and to the right of Matt.

Matt asked for Mr. Butler, who was teaching a class in his recitation room. One of the pupils (Minor Pope) told Mr. Butler that two gentlemen wanted to see him. Butler immediately walked out towards Matt Ward, politely saying "Good morning".

Butler did not strike Matt., but placed his crippled right hand on Ward's left shoulder.

Matt. instantly drew his right hand from his trousers pocket, holding one pistol; pressed it to Butler's left breast, fired it, and then jerked his hand away, leaving the pistol hanging in Butler's clothing.

Butler staggered a few feet and dropped to the floor, saying:

"My poor wife and child. Oh, my wife and child! My God! I am dead".

Butler struggled to his feet, knocked the pistol loose from his clothing, and stumbled into Sturgus' room.

Almost all the pupils jumped out of the window.

Matt Ward had pulled out the other pistol. Robert Ward picked up the first pistol, and flourished a hitherto concealed Bowie knife, saying to Mr. Sturgus (who had come out of his recitation room on hearing the shot): "Come on, I am ready". Robert moved backwards in to the school room, still flourishing the Bowie knife, and crying: "Stand off".

Butler got back into the main room. One pupil

who stayed in,
(Knight) took Butler's arm, and assisted him down the steps into the front yard, where 3 or 4 pupils helped Butler to walk a little distance. He asked to lay down, and the boys then carried him about 150 feet to the home of Col. Harney, on Chestnut Street between 1st & 2nd, where he was laid on the floor.

Five of Louisville's most distinguished physicians:

Dr. Lunsford P. Yandell, Sr.

Dr. Joshua B. Flint

Dr. D. D. Thompson

Dr. Muguet, and

Dr. William B. Caldwell (Mr. James Guthrie's son in law)

were summoned; and soon found that the wound was mortal. The bullet passed between the third and fourth ribs through the lung, and into the backbone; and there was no hope for him.

Mr. Butler knew that he must die; and said to Mrs. Harney:

"Do not be deceived. I cannot live. When I am gone will you be kind to my poor wife and baby?"

She brought his wife and baby to him. -15-

Mr. Butler made a dying declaration to the doctors that Matt. Ward had called him a damned liar, struck him, and he struck back, and was instantly shot, but did not even know who shot him.

He died shortly after midnight.

The 13 eye-witness pupils who established the above facts were all old enough to tell intelligently what they saw and heard:

- 2 were 13 years old
- 1 was 14 years old
- 1 was 15 years old
- 2 were 16 years old
- 4 were 17 years old
- 2 were 18 years old
- 1 was 20 years old.

They were old enough intelligently to tell what they saw and heard; and belonged to substantial and generally prominent families; and their subsequent careers showed their intelligence, ability and high character.

I cannot stop now to review their subsequent careers, except to say that none of them turned out badly; and that all of them turned out successes in life, one of whom (for example) was the late Judge James S. Pirtle, and others were Pope, Quigley, Benedict, etc.

Against the foregoing overwhelming evidence of the murder, what defense did Matt. Ward make?

First: Of the 70 witnesses ^{he} introduced, more than 50 knew nothing of the difficulty, but were brought in from six different States to testify to Matt. Ward's quiet, mild, peaceable and amiable disposition, which had nothing whatever to do with the facts surrounding the murder.

Second: 5 or 6 testified that they knew Matt. Ward was expecting to leave for the South in a day or two after the murder, and could not have had any intention in his mind to kill Mr. Butler.

Third: Several testified that Ward's purchase and loading of two pistols half an hour before the killing meant nothing, as it was a common custom to buy and carry loaded pistols and Bowie knives.

Fourth: Matt.'s father and mother, Mr. and Mrs. Robert J. Ward, Sr., testified that Matt. told them that Willie ~~had~~ told him about being ~~whipped~~ whipped for lying, and that Willie had said:

"He did not care so much about the whipping as he did being called a liar"

— all of which was mere hearsay, and in no way proved what happened about Willie, or what happened at the time of the killing.

Fifth: They introduced an unknown carpenter, named Barlow, who said that some boy on the street told him about the killing; and so he went to Col. Harney's house and asked the dying Butler about how the killing happened, and that Butler ~~said~~ ^{told him that} Matt. gave him the damn lie, and so Butler hit him for it, and in the fuss Matt. shot him.

On cross examination, he admitted that a month and a half after the shooting:

"I went to R. J. Ward's, a servant came with a silver waiter for my card; I said I had no card, that I wanted to see R. J. Ward on a particular subject. Mr. Ward came down and we went into the parlor. I asked him if it would do him any good to find a witness that would prove that Butler struck Ward first. Mr. Ward said that was just what they wanted. I said I was that man." He wanted me to meet him down town. I told him I was busy all day. He said I should lose nothing by doing it."

He then told Ward that he had to work for his living and could not spare the time to go and testify, and

"He told me I would lose nothing by doing it".

Matt. Ward's father testified that:

"Barlow called at my house and said he understood it was important to have it proved that Butler struck Ward first. I told him it was very important to have such a man. He said he was that man. I asked him to meet me at my lawyer's offices the next morning. He

said he was busily engaged in finishing some buildings and didn't know as he could. I offered to pay him for the day's work".

On rebuttal, it was overwhelmingly proved that no one was in Mr. Harney's house, or saw Mr. Butler after the shooting, except the doctors, two or three members of the immediate family, and, of course, for a few minutes the boys who carried Butler from the school into Col. Harney's house.

Barlow was a hired perjurer.

Sixth: Robert Ward, Jr. testified that when he and Matt. got to the school house and sent for Mr. Butler, Matt. demanded an apology, ^{and} which Butler refused to ^{apologize} make; and Matt. then called him "a damned scoundrel and coward"; that Butler struck Matt. twice, pushed him back against the door, and then Matt. drew his pistol and fired.

You now have all the testimony in the case.

Senator Crittenden, Governor Helm, Thomas F. Marshall and Nat Wolfe spoke for 16 hours, and

all based on the fact that Ward had a right to demand an explanation from Butler for whipping Willie; and that when Butler would not apologize, but assaulted Matt., he had a right in self-defense to kill Butler.

The speeches were simply filled with statements of fact which the Court had held were incompetent and which could not go to the jury; but those lawyers — disregarding that — were not rebuked by the Court, but built up a ~~completely~~ fanciful story of self-defense, not based on the evidence, but based on the imagination of the lawyers themselves.

The jury promptly acquitted Ward on Thursday, April 27.

When the news reached Louisville that afternoon, there was intense excitement. A public meeting was widely advertised, and called for the court house on Saturday night, April 29. 7,000 to 10,000 persons attended that meeting; and the leading citizens of Louisville conducted it.

*Mr. Butler to resign as
Secretary of the Treasury*

Resolutions were adopted requesting the Wards to leave Louisville; Senator Crittenden to resign his place in the United States Senate, and Nat Wolfe to resign his seat in the State Senate.

Effigies were hung up and burned of Matt. Ward, the false witness Barlow, and the members of the jury.

The Ward residence was stoned, damaged, and partly burned; and effigies of the Wards were strung up at the front door, and then burned.

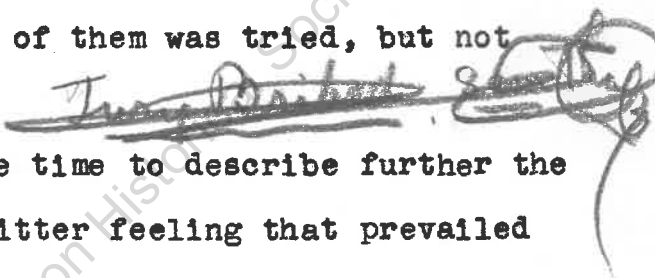
Nat Wolfe's house was rotten-egged.

A Committee was appointed to erect a monument to Mr. Butler, and to help his widow and little daughter. Among the Committee were R. T. Durrett, Richard A. Robinson, and William Kendrick.

Indignation meetings were held throughout Kentucky, Illinois and Indiana, at many places, including Ghent, Cannelton, Brandenburg, Madison, Henderson, Elizabethtown, South Hanover, Stephensburg, Sligo, Franklin, Salem, and many other towns.

Those meetings denounced the Judge and jury as bribed. They denounced Mr. Guthrie (Secretary of the Treasury) for having come out as a character witness for Matt. Ward; and perhaps the harshest criticisms of all were passed upon Senator John J. Crittenden for the part he had taken in the defense.

Four members of the jury were indicted for perjury; and one of them was tried, but not convicted.



I have not the time to describe further the excitement and bitter feeling that prevailed throughout the State against the Wards, the trial judge, the jury, the witnesses, and the counsel for Matt. Ward. For months the newspapers, in Kentucky and in other States, kept up a bitter denunciation of the acquittal and of all those, justly or unjustly, connected with it.

In eight years, Matt. Ward was dead, murdered in Arkansas. His father was dead, and his three brothers, Robert, Victor and Willie, were likewise dead. All of them are buried in Cave Hill.

When Mr. Butler was murdered — for despite the acquittal, it was a murder — he left a 10 months old baby daughter. She is to-day, at 95, still living in Louisville with her daughter and a grand son — long surviving her father's tragic death.

There are also living to-day in Louisville many of the descendants of that Committee of Louisville's leading citizens, who sponsored the erection of the monument to Mr. Butler, the inscription on which I have read to you.

That monument will stand as long as Cave Hill lasts, as a tribute to

"a devoted and successful teacher, a meek and humble Christian".

1 = Carver Hill

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 Capt. Peyton Key
 Robt. Johnston
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 Mrs. L. P. Crenshaw
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in Elizabethtown whose testimony
was objected to by the defense was
not admitted; but their proposed
testimony was given in affidavits

February 27, 1948

NOTES TO BE USED IN PREPARATION OF SPEECH

The Matt Ward Murder Trial

Testimony for the Defense:

There were 54 witnesses —

1. 39 from Louisville:

Preacher

Congressman

Secretary of the Treasury

Editor

3 doctors

Family doctor

2 United States Army

Milliner

Merchant

Father in law

Cousin

Father

2 plasterers

Schoolmate

Druggist

2 2. 15 from

Louisiana

Missouri

Ohio

Arkansas

Mississippi, and

Kentucky (outside of Louisville).

Of those 54 witnesses, 52 knew nothing of the difficulty, but simply testified to his quiet, mild, peaceable and amiable disposition.

One of those witnesses testified that a half hour after the

shooting there was a slight redness on Ward's left cheek; and another testified that Matt Ward's brother, Robert Ward Jr., carried a large bowie knife the day before in Cincinnati; and two testified that about an hour after the shooting they thought one cheek was redder than the other.

The following doctors testified for the defense:

Dr. W. B. Caldwell - son in law of Mr. Guthrie, who attended Professor Butler after he was shot;

2 family doctors - Dr. S. D. Gross and Dr. L. D. Rogers.

J. M. Allen (R 37) of Mississippi, patient in a doctor's office, heard of the shooting; saw some of the boys about it; and gave hearsay evidence that somebody told him Ward had cursed Butler, and Butler had struck Ward, and Ward had then shot Butler; but this was excluded as hearsay evidence.

J. D. Gudgel (not in City Directory) went to the school house after Butler had been removed from it, and said some of the boys near the school house said Butler struck Ward or pushed him down, or partly down, and struck Ward first; and Gudgel stated that Benedict (one of the boys) had said Butler struck Ward, and some boys said Butler knocked Ward down. He lived in Missouri, and was at a water cure in Louisville, but could not identify the boy who claimed to have given him the foregoing statements about the shooting. The Court excluded the proof as evidence of what had happened, but only to contradict some other witness.

Mr. and Mrs. L. P. Crenshaw testified that the carpenter Barlow told them that Mr. Butler had said that he (Butler) struck Matt Ward, who then shot him; but their testimony was simply what the carpenter Barlow subsequently told them Butler had said.

J. O. Bullock said he did not know it was the custom for persons buying pistols to have them loaded.

John Judt (son of Rev. Fred Judt, of a Lutheran Church) said Judge Pirtle had told him that Butler struck Ward first; that Pirtle told him that in the school house; said Pirtle told him that he (Pirtle) did not see it, and that his alleged conversation with Pirtle was months after the shooting; did not see Butler strike Ward, but only saw them talking, as he was in a side room when the difficulty occurred, and was not looking when the pistol was discharged.

Col. Churchill (recalled) said he saw Ward's family in a hack between 9 and 10 o'clock on the morning of their arrival from Cincinnati, and that Robert J. Ward, Jr. was with them.

J. M. Barlow (R 34), a carpenter, did not claim to have seen anything of the murder, but heard on the street that Ward had killed Butler. Barlow then said he went to Harney's house, went back to the school house, and then went back to Harney's house, and that he asked Butler who had shot him, and that Butler said Ward called him a damn liar, and then Butler hit him for it, and then Ward shot him, and that is all he claimed to have heard or that Butler said. He admitted that a month and a half after the shooting he went to Matt Ward's father's house, had an interview with him in the parlor, and then testified (R 35):

"I asked him if it would do him any good to find a witness that would prove that Butler struck Ward first? Mr. Ward said that was just what they wanted; I said I was that man. Mr. Ward asked me to meet him at Mr. Wolfe's office next morning. I told him my business kept me the whole day; he said I should lose nothing. I said I did not wish to be understood that way, but I was compelled to work for my living."

He admitted:

"I had played cards in jail with Matt. and Bob Ward; he played cards there with them and the turnkey; also with Mrs. Matt. Ward".

Then he testified:

"I had heard that the testimony at the examining trial tended to show that Ward struck Butler first, and knowing the contrary from the dying speech of Butler, went to R. J. Ward's and offered ~~me~~ my testimony to contradict that impression."

The only witnesses for Ward who professed to testify in any way about the facts of the murder were as follows:

His mother, Mrs. Robert J. Ward (R 43);

His brother, Robert J. Ward, Jr. (R 52);

His father, Robert J. Ward, Sr. (R 40).

Robert J. Ward, Sr. (Matt Ward's father) testified that he, his ~~was~~ wife, and his son Robert J. Ward, Jr. had been visiting in Cincinnati; came down on the evening boat; and reached their residence after 9 AM on Wednesday, November 2, 1853. After breakfast, and after shaving, he went in to his wife's room, and found his wife and his son Matt Ward conversing; and he testified (R 42):

"... my son, Matt, said he was going round to see Mr. Butler, and ask for an apology; I had previously sent a man for my son Victor and his books; I proposed to go myself; no, said Matt, I will go; Mr. Butler is a gentleman, and will make in the presence of the school the apology that a gentleman ought to make. I consented to his going. Robert was out; as Matt was going out, his mother remarked, you are very feeble, you have had one difficulty with Mr. Sturgis, hadn't you better take somebody with you? Just

then Bob came in, and started with Matt, not knowing, till he got to the outside door, where he was going. ...

Matt's health has been very feeble for some time. When Matt returned from the school-house I was out of the school-room; I heard his mother scream; I run in, saw Matt put his hand to his face, and say, would you have me beaten like a dog? This called my attention to the blow on his face; it was swollen. Knew Butler well; he had been a private teacher in my family for twenty months, and he was a favorite there. Matt was then in Europe, and I gave Mr. Butler letters to Matt there, but they did not meet. Had Mr. Butler returned in season, he would have continued my private teacher, but he was absent so long that I entered my boys in school. Knowing Mr. Butler well, I had no expectation of any trouble between them in the least.

The Court ruled out so much of this testimony of Mr. Ward as did not relate to the statements of his son, or his health."

Mrs. Robert J. Ward (R 43) testified:

"Knew the object of Matt's visit to Butler's school-room; when we arrived from Cincinnati, met the family; saw my son William was not at school, and saw his sad expression of face; asked the cause. He said my brother will tell you. Yes, said Matt, I was just going round to ask Mr. Butler the cause of his treatment of William. He then said that Mr. Butler, the day previous, had whipped William and called him a liar. I said what, William Butler whip Willie Ward and call him a liar! He answered, yes. The day before, Willie had bought some chestnuts, and taking out his handkerchief, some of them came out; the boys asked for them and he gave to several. They eat the nuts and threw the shells

behind the seat. Mr. Butler asked who eat them. One refused to tell. Mr. Butler sent for his strap, and asked each one in succession. They said Willie Ward gave them, and there was a dispute between Willie and one of the boys, whether Willie gave them before or after the class was called to order. Butler then hauled Willie out on the floor and said, I shall have to whip you for ~~giving~~ giving chestnuts, and for lying. Willie had said he did not care so much about the whipping, as about being called a liar.

When Matt was going out, I followed him to the door, and told him to be calm. He said he was calm. Just as he was going out, Robert came in, and at my request, Matt consented for Bob to go with him, and told him impatiently to get his cap. I told Robert that Matt was going to see Mr. Butler; take care they don't get excited. Before Matt went out, I told Matt, you know Mr. Sturgus is your enemy. He said, never mind that. When they returned I noticed the mark on Matt's cheek. It was red under the eye.

...

(Mrs. Ward fainted as soon as she got to her seat, causing quite an excitement in Court. She was soon carried out.)"

Robert J. Ward, Jr. (R 52) testified as follows:

"I arrived in Louisville on the morning of this occurrence, with my parents, on board the Pike. We reached home about nine o'clock, A.M.; after greeting the family, and staying in the house some little time, I went back to see the conservatory in the garden; staid there about fifteen minutes, was then called to breakfast; was at the table only five or ten minutes, then went back to the conservatory; staid there perhaps twenty minutes, then came into

the house, and as I was going to mother's room, saw mother and Matt standing in the front door. Matt told me to get my hat; I got it ~~xx~~ and started; at the gate, Matt said he was going to ask an apology of Mr. Butler for whipping William. William said Butler is a stouter man than you, and Sturgus has a big stick. Matt said he apprehended no difficulty, that Butler was a gentleman. He asked me not to interfere unless Butler and Sturgus both attacked him at once. We conversed on different subjects as we went along; met Lucy Stone in bloomer costume, spoke of that. On entering the school room, Matt asked for Butler; he came. Matt remarked, I wish to have a talk with you. Butler said, come into my private room. Matt said, no; here is the place; Mr. Butler nodded; Matt said, what are your ideas of justice? which is the worst, the boy who begs chestnuts, and throws the shells on the floor, and lies about it, or my brother, who gives them to him? Mr. Butler said he would not be interrogated, putting his pencil in his pocket, and buttoning up his coat. Matt repeated the question; Butler said, there is no such boy here; Matt said, that settles that matter; you called my brother a liar, and for that I must have an apology; Butler said he had no apology to make. Is your mind made up? said Matt; Butler said it was; then, said Matt, you must hear my opinion of you; you are a d--d scoundrel and coward; Butler then struck Matt twice, and pushed him back against the door; Matt drew his pistol and fired; Butler held his hand on him for a moment; as the pistol fired, Sturgus came to the door; I drew my knife, and told him to stand back. We all three, Matt, William, and myself, went out to the gate; William said -- ... Matt was pushed back to a glass partition in the door. Wit-

ness here pointed out on a diagram the position of all the parties; said he was a spectator of the whole occurrence.

Cross Examination. Mr. Carpenter asked if he was not also an actor; Witness said he was not an actor in the killing of Mr. Butler; drew his knife when Sturgus came; did not go up the aisle in the school-room, am certain of that; made no gestures towards the boys with his knife. When in Cincinnati, staid at Broadway house. As we ~~w~~ entered the school-house, Matt's hands were by his side; after entering he held his hat in his left hand, gesticulating with his right; did not shut the door as we went in; Butler's manner was rather stiff, not as cordial as usual. Butler might have struck more than twice; Matt did not put his hand in his pocket till Butler seized him. Have carried weapons since I was fourteen years old; sometimes pistols; sometimes a knife."

March 1, 1948

THE MATT. WARD MURDER TRIAL

MR. CHAIRMAN AND MEMBERS OF THE FILSON CLUB:

Ninety-four years ago, in the oldest and loveliest part of Cave Hill, the people of Louisville erected a simple shaft of white stone to the memory of a 28-year old school teacher.

Tonight I propose to tell you the story of "THE MATT. WARD MURDER TRIAL", which will explain why the people erected that monument by public subscription, with these words carved upon its four sides:

Wm. H. G. Butler

Born in Jefferson Co. Ind.

Oct. 31, 1825

Died at Louisville, Ky.

Nov. 3, 1853

This monument is erected by his pupils and a bereaved community to show their appreciation of his worth and to perpetuate their horror at his murder.

He fell by the hand of violence in the presence of his beloved pupils, a martyr to his trust and the discharge of duty.

A man without fear and without reproach,
of conscience; of sterling disposition, of
clear and vigorous mind and body; a noted
scholar, a devoted and successful teacher;
a meek and humble Christian.

During the 1820's, Mr. Robert J. Ward was a young lawyer at
Georgetown, and quite prominent in the Kentucky Legislature. In the
1830's, he abandoned law and politics, and amassed a large fortune as
a commission merchant in New Orleans and Louisville.

In November, 1853, he and his wife, with their seven children —
including the famous beauty Sally Ward, and four sons: Matt. Ward
(aged 27), Robert J. Ward, Jr. (aged 17), Victor Ward (aged 15), and
Willie Ward (aged 14) — resided in a large, handsome house on the
northeast corner of Second & Walnut Streets, diagonally across the
corner from the present Pendennis Club. Some say that Mrs. Ward and
her sons were domineering and arrogant in their recently acquired
wealth.

In the same year — 1853 — Mr. William Butler (aged 28) was the
Principal of the Louisville High School — the best private Boy's
School in the city. Professor Sturgus was his only assistant.

Butler was the much younger brother of Professor Noble Butler, who, for an entire generation (1840-1882) was Louisville's most distinguished educator, as a teacher of Ancient and Modern Languages, a text book author, and a newspaper editor.

Butler had once been a tutor in the Ward family, and was on most friendly terms with them. Later he had traveled extensively abroad, and was the author of a series of letters describing European political, geographical, and social customs and conditions.

The Murder

On Wednesday, November 2, 1853, about 10 o'clock in the morning, Matt. Ward, accompanied by his two younger brothers Robert and Willie, entered Mr. Butler's school, called him out from his recitation room, and, in the presence of the 40 pupils, cursed him as a "damned liar" and "damned scoundrel", struck him, and then shot him in the left breast, leaving the pistol hanging in Butler's clothing.

Butler staggered a few feet, fell to the floor, arose, and stumbled into Mr. Sturgus' recitation room. Three pupils helped him out into the street, and then carried him to the house of his brother-in-law, Mr. Harney, about 150 feet away.

5 leading doctors quickly arrived, and ministered to him as he lay upon the floor, but to no avail as the wound was mortal. Mr. Butler knew that he must die, and told the circumstances of the shooting.

Matt. Ward and his brother Robert were immediately arrested and jailed.

Mr. Butler died shortly after midnight. The morning newspapers described the great excitement, indignation and resentment, at what they termed an "unprovoked and diabolical" murder.

On the same day, the Wards had an examining trial in the Police Court, before Hon. John Joyes; and they were remanded to jail on the charge of murder in the first degree.

Some weeks later, the Wards filed affidavits that feeling in Jefferson, Oldham and Shelby Counties was so intense against them, that they could not get an impartial trial in any of those counties. The case was transferred to Hardin County; and the Wards were confined for four months in the Elizabethtown jail.

The Alleged Cause of the Murder

At this point, you may wonder what could have precipitated such a murder.

Although the Trial Judge would not let the Prosecution's witnesses tell about Professor Butler's alleged "whipping" of Willie Ward, nevertheless Ward's four lawyers spent most of their 16 hours of oratory in emphasizing that "whipping" as a practical justification for the murder. I might as well tell you that background.

Four or five months prior to the murder, Professor Sturgus took Willie Ward (aged 14) by the coat collar, shook him, and boxed his jaws. Mrs. Ward, in great excitement, sent for Mr. Sturgus, and demanded what he meant "by treating a Ward in that manner"; and intimated that she would withdraw her sons from the school. Mr. Sturgus replied "that we would be very glad if she would withdraw them both, as it would probably save us the trouble of dismissing them".

Mrs. Ward quieted down and said to let her know if the boys misbehaved, and she would correct them. Mr. Sturgus explained that discipline could not be enforced in that way, as it must be punished on the spot; and Mrs. Ward made no objection.

Matt. Ward at once went to the school, and gave Mr. Sturgus "to understand that he had intended, as soon as he heard of his brother's punishment, to call and inflict personal violence; that Sturgus was

an older man than he had supposed, and that that alone prevented his taking such a course".

Some weeks before the murder, the Ward boys brought a great many nuts to school, and ate them during the class. Mr. Butler excused them for doing so, but told them that if it happened again, he would punish the offender by whipping him.

On the day before the murder, Willie Ward again brought some more chestnuts into the class, and divided them among the boys, who ate them and threw the hulls on the floor. Mr. Butler saw some quarreling between Willie Ward and another pupil during the class; found the hulls; inquired of all the boys about them; and they told him that Willie Ward had given the chestnuts to them during class. Willie denied it; the boys proved it on him; Mr. Butler whipped Willie for telling a lie; and Willie Ward "went out of the room shaking his head, saying it was a damned mean trick", "didn't appear to be hurt any, but insulted", "picked up his hat and walked out of school, shaking his head".

As subsequently described by five pupils (all sons of prominent citizens, one of whom was also whipped), the whipping was a very mild

affair, consisting of half a dozen strokes on the back side above the knees, and was not at all severe.

The Murder Trial Itself

On April 18, 1854, Matt. Ward's trial for murder began.

Under threats of punishment for contempt of court, the Judge (J. W. Kincheloe) prohibited any newspaper publication of the testimony or proceedings.

The Ward family employed 18 lawyers to defend Matt Ward, but only 5 of them were active in defending him at the trial.

They were:

John J. Crittenden, aged 67, at that time United States Senator, and one of the most influential men in the State, who had been Governor of Kentucky, nominated for the Supreme Court of the United States, twice Attorney General of the United States, and six times United States Senator;

John L. Helm, aged 52, who had been Lieutenant Governor under Mr. Crittenden, twice Governor of Kentucky, and hence of great local influence in Elizabethtown where he lived;

Thomas F. Marshall, aged 53, a former Congressman, and, at that

time, Kentucky's greatest orator and one of its leading trial lawyers;

George Alfred Caldwell, aged 40, twice a Congressman, a distinguished soldier in the Mexican War, and at the top of the Louisville bar;

C. G. Wintersmith, Speaker of the House in the Kentucky Legislature;

Nat Wolfe, Commonwealth's Attorney in Louisville, and an extremely able criminal lawyer.

The lawyers for the Prosecution seem to have been (with one exception) timid, over-awed by the great distinction of their opponents, and even apologetic in their prosecution.

The Testimony

The Prosecution introduced 24 witnesses:

- 1 (a gunsmith), who, less than an hour before the murder, sold to Matt Ward the two pistols he used, and loaded them at his special request;
- 5 (including 3 doctors) showed that Butler's right hand was so deformed and crippled (from a burn in infancy) that he could neither open nor close it;
- 13 pupils, who were in the school room, and were eye-witnesses to the murder;
- 5 physicians who attended the dying man;

4 showed that Butler knew he was dying when he made his declarations of how Ward killed him;

3 who proved Ward's dying declarations.

The 24 witnesses told the following story of the tragic events of that Wednesday morning, November 2, 1853:

9 A.M. Matt Ward went to Dickson & Gilmore's Gunsmith shop, on Third Street between Main & Market; bought two new, self-cocking pistols, with 2 1/2 inch barrels, which would shoot through a 2 inch plank; and had Gilmore to load them with powder and ball, and put caps on them, fully prepared for immediate use.

9:30 A.M. The Ward's colored servant went to the school house, and took away the school books of Victor and William Ward.

10 A.M. Matt Ward was walking up Third Street, near the Post Office at Third & Jefferson, with one hand in his pocket and the other by his side. He walked with a firmer gait than usual, with a firmness and determination in his appearance that Mrs. Harney had never seen before.

10 A.M. (or a few minutes later) a pupil (Knight), who was in the Sturgus recitation room, saw Matt Ward, with his brothers Robert and Willie, enter the school yard. On the day before, Knight had heard threats

from Victor and Willie Ward; and he expected trouble the moment he saw the Wards enter the yard. He went to the Sturgus door, and into the school room, where he and 12 other pupils were eye-witnesses to the entire tragedy.

Matt Ward, "looking healthy and vigorous", entered the school room, with his brothers Robert and Willie.

There were about 40 pupils in the school.

Matt stood by the door, and kept his right hand in his trousers pocket, grasping one of the pistols he had just bought. Robert (armed with a concealed Bowie knife) stood about two feet in advance and to the right of Matt.

Matt asked for Mr. Butler, who was teaching a class in his recitation room. One of the pupils (Minor Pope) told Mr. Butler that two gentlemen wanted to see him. Butler immediately walked out towards Matt Ward, politely saying "Good morning".

Matt said to Mr. Butler:

"I have a little matter to settle with you".

Butler (always speaking in a low voice) invited Matt into his study or recitation room. Matt said "No"; and added:

"Which was the more to blame, the contemptible puppy who begged chestnuts, and then told a lie about it, or my brother William?"

Butler again invited Matt. into the study, saying he would explain the matter, but did not feel like answering the question without giving an explanation.

Matt. again refused, saying:

"Why did you call my brother William a liar?"

Without waiting for an answer, Ward, greatly excited, talked very loudly, gesticulated with his left hand which held his hat, and advanced a step towards Butler, struck him, and called him

"A damned liar and a damned scoundrel".

Butler did not strike Matt., but placed his crippled right hand on Ward's left shoulder.

Matt. instantly drew his right hand from his trousers pocket, holding one pistol; pressed it to Butler's left breast, fired it, and then jerked his hand away, leaving the pistol hanging in Butler's clothing.

Butler staggered a few feet and dropped to the floor, saying:

"My poor wife and child. Oh, my wife and child! My God! I am dead".

Butler struggled to his feet, knocked the pistol loose from his clothing, and stumbled into Sturgus' room. Almost all the pupils jumped out of the windows.

Matt Ward had pulled out the other pistol. Robert Ward picked up the first pistol, and flourished a hitherto concealed Bowie knife, saying to Mr. Sturgus (who had come out of his recitation room on hearing the shot): "Come on, I am ready". Robert moved backwards in to the school room, still flourishing the Bowie knife, and crying: "Stand off".

Butler got back into the main room. One pupil (Knight) who stayed in, took Butler's arm, and assisted him down the steps into the front yard, where 3 or 4 pupils helped Butler to walk a little distance. He asked to lay down, and the boys then carried him about 150 feet to the home of Col. Harney, on Chestnut Street between 1st & 2nd, where he was laid on the floor.

Five of Louisville's most distinguished physicians:

Dr. Lunsford P. Yandell, Sr.

Dr. Joshua B. Flint

Dr. D. D. Thompson

Dr. Muguet, and

Dr. William B. Caldwell (Mr. James Guthrie's son in law)

were summoned; and soon found that the wound was mortal. The bullet passed between the third and fourth ribs through the lung, and into the backbone; and there was no hope for him.

Mr. Butler knew that he must die; and said to Mrs. Harney:

"Do not be deceived. I cannot live. When I am gone will you be kind to my poor wife and baby?"

She brought his wife and baby to him.

Mr. Butler made a dying declaration to the doctors that Matt. Ward had called him a damned liar, struck him, and he struck back, and was instantly shot, but did not even know who shot him.

He died shortly after midnight.

The 13 eye-witness pupils who established the above facts were all old enough to tell intelligently what they saw and heard:

2 were 13 years old

1 was 14 years old

1 was 15 years old

2 were 16 years old

4 were 17 years old

2 were 18 years old

1 was 20 years old.

They were old enough intelligently to tell what they saw and heard; and belonged to substantial and generally prominent families; and their subsequent careers showed their intelligence, ability and high character.

I cannot stop now to review their subsequent careers, except to say that none of them turned out badly; and that all of them turned out successes in life, one of whom (for example) was the late Judge James S. Pirtle, and others were Pope, Quigley, Benedict, etc.

Against the foregoing overwhelming evidence of the murder, what defense did Matt. Ward make?

First: of the 70 witnesses he introduced, more than 50 knew nothing of the difficulty, but were brought in from six different States to testify to Matt. Ward's quiet, mild, peaceable and amiable disposition, which had nothing whatever to do with the facts surrounding the murder.

Second: 5 or 6 testified that they knew Matt. Ward was expecting to leave for the South in a day or two after the murder, and could not have had any intention in his mind to kill Mr. Butler.

Third: Several testified that Ward's purchase and loading of two pistols half an hour before the killing meant nothing, as it was a common

custom to buy and carry loaded pistols and Bowie knives.

Fourth: Matt.'s father and mother, Mr. and Mrs. Robert J. Ward, Sr., testified that Matt. told them that Willie told him about being whipped for lying, and that Willie had said:

"He did not care so much about the whipping as he did being called a liar"

— all of which was mere hearsay, and in no way proved what happened about Willie, or what happened at the time of the killing.

Fifth: They introduced an unknown carpenter, named Earlow, who said that some boy on the street told him about the killing; and so he went to Col. Harney's house and asked the dying Butler about how the killing happened, and that Butler told him that Matt. gave him the damn lie, and so Butler hit him for it, and in the fuss Matt. shot him.

On cross examination, he admitted that a month and a half after the shooting:

"I went to R. J. Ward's, a servant came with a silver waiter for my card; I said I had no card, that I wanted to see R. J. Ward on a particular subject. Mr. Ward came down and we went into the parlor. I asked him if it would do him any good to find a witness that would prove that Butler struck Ward first. Mr. Ward said that was just

what they wanted. I said I was that man." He wanted me to meet him down town. I told him I was busy all day. He said I should lose nothing by doing it."

He then told Ward that he had to work for his living and could not spare the time to go and testify, and

"He told me I would lose nothing by doing it".

Matt. Ward's father testified that:

"Barlow called at my house and said he understood it was important to have it proved that Butler struck Ward first. I told him it was very important to have such a man. He said he was that man. I asked him to meet me at my lawyer's offices the next morning. He said he was busily engaged in finishing some buildings and didn't know as he could. I offered to pay him for the day's work".

On rebuttal, it was overwhelmingly proved that no one was in Mr. Harney's house, or saw Mr. Butler after the shooting, except the doctors, two or three members of the immediate family, and, of course, for a few minutes the boys who carried Butler from the school into Col. Harney's house. Barlow was a hired perjurer.

Sixth: Robert Ward, Jr. testified that when he and Matt. got to

the school house and sent for Mr. Butler, Matt. demanded an apology; and Butler refused to apologize; and Matt. then called him "a damned scoundrel and coward"; that Butler struck Matt. twice, pushed him back against the door, and then Matt. drew his pistol and fired.

You now have all the testimony in the case.

Senator Crittenden, Governor Helm, Thomas F. Marshall and Nat Wolfe spoke for 16 hours, and all based on the fact that Ward had a right to demand an explanation from Butler for whipping Willie; and that when Butler would not apologize, but assaulted Matt., he had a right in self-defense to kill Butler.

The speeches were simply filled with statements of fact which the Court had held were incompetent and which could not go to the jury; but those lawyers — disregarding that — were not rebuked by the Court, but built up a fanciful story of self-defense, not based on the evidence, but based on the imagination of the lawyers themselves.

The jury promptly acquitted Ward on Thursday, April 27.

When the news reached Louisville that afternoon, there was intense excitement. A public meeting was widely advertised, and called for the

court house on Saturday night, April 29. 7,000 to 10,000 persons attended that meeting; and the leading citizens of Louisville conducted it.

Resolutions were adopted requesting the Wards to leave Louisville; Senator Crittenden to resign his place in the United States Senate, Mr. Guthrie to resign as Secretary of the Treasury and Nat Wolfe to resign his seat in the State Senate.

Effigies were hung up and burned of Matt. Ward, the false witness Barlow, and the members of the jury.

The Ward residence was stoned, damaged, and partly burned; and effigies of the Wards were strung up at the front door, and then burned.

Nat Wolfe's house was rotten-egged.

A Committee was appointed to erect a monument to Mr. Butler, and to help his widow and little daughter. Among the Committee were R. T. Durrett, Richard A. Robinson, and William Kendrick.

Indignation meetings were held throughout Kentucky, Illinois and Indiana, at many places, including Ghent, Cannelton, Brandenburg, Madison, Henderson, Elizabethtown, South Hanover, Stephensburg, Sligo,

Franklin, Salem, and many other towns.

Those meetings denounced the Judge and jury as bribed. They denounced Mr. Guthrie (Secretary of the Treasury) for having come out as a character witness for Matt. Ward; and perhaps the harshest criticisms of all were passed upon Senator John J. Crittenden for the part he had taken in the defense.

Four members of the jury were indicted for perjury; and one of them was tried, but not convicted.

I have not the time to describe further the excitement and bitter feeling that prevailed throughout the State against the Wards, the trial judge, the jury, the witnesses, and the counsel for Matt. Ward. For months the newspapers, in Kentucky and in other States, kept up a bitter denunciation of the acquittal and of all those, justly or unjustly, connected with it.

In eight years, Matt. Ward was dead, murdered in Arkansas. His father was dead, and his three brothers, Robert, Victor and Willie, were likewise dead. All of them are buried in Cave Hill.

When Mr. Butler was murdered — for despite the acquittal, it was a murder — he left a 10 months old baby daughter. She is to-day, at

95, still living in Louisville with her daughter and a grand son —
long surviving her father's tragic death.

There are also living to-day in Louisville many of the descendants
of that Committee of Louisville's leading citizens, who sponsored the
erection of the monument to Mr. Butler, the inscription on which I
have read to you.

That monument will stand as long as Cave Hill lasts, as a tribute
to

"a devoted and successful teacher, a meek and humble
Christian".