

Capt. David S. Benedict
Louisville, Ky.

Agent of J. Brooks'
Property there, valued
at \$5500.

Crompton sold Brooks 6 or
7 slaves for about \$3150. Brooks
then lived & still lives near Wash-
ington in direction of blades
length about 3 miles from Wash-
ington. P. took Brooks note
for \$215000. & left it with Frou
in Ky for collection some 10 or
11 years ago. Frou obtained it
but has not collected it. Brooks
offered P. security before P. read
the note or for memorandum
but P. would not take it. Col-
vert told P. that Brooks was
worth \$20,000. Brooks had a large
quantity of bed linen bound in
his house. The property was
sold dept. in the Spring of 1838

George C. Cramphin

vs.

J.

Brooks

Cramphin sold Brooks 6 or
7 slaves for about \$3150. Brooks
then lived & still lives near Wash-
ington in direction of blades
bush about 3 miles from Wash-
ington. Plff took Brooks note
for \$215000. & left it with Frov
in Key for collection some 10 or
11 years ago. Key obtained gift.
but has not collected it. Brooks
offered Plff. security before p. sued
the note as per Memorandum
but p. would not take it. Col-
vent told p. that Brooks was
worth \$20,000. Brooks had a large
quantity of Red River land in
his hands. The property was
sold dept. in the Spring of 1838

Cromphin

vs.

Brooks

Memorandum
to
Judge

Plff. paid Key
\$20. & there is
no fee there
as he has a
receipt for it.

Pat
that was
paid

The Filson Historical Society

RECORD

COLE

RICHARDSON

REV. E. W. SEHOR, p. 30-31
Es. 2d St. bet. Walnut & Chestnut
Missionary Secretary.

p.31

- | | |
|--|-----------|
| (1) Most amiable and peaceable character | (1) Ditto |
| (2) Health was very feeble | (2) " |
| (3) Using crutches; rheumatism | (3) " |
- "this sad occurrence"

HON. J. PERKINS, p. 30-31
Congressman from Louisiana

p.31

Known Ward 10 yrs; travelled in
Europe

Known Ward for 10 years; travelled
together in Europe for 6 mos and
Egypt and Judea

- | | |
|---|--|
| (1) Remarkable for amiability and
peaceable disposition | (1) remarkable for his amiable
and peaceful disposition |
| (2) "In health, he is naturally feeble;
feeblest man for his height I ever
saw" | (2) Invalid during tour; very feeble
"not a man of robust power
proportionately to his size" |

WM. PRESTON, p. 31
Es. Walnut bet. 1st & 2d
Congressman from Louisville

p.31

"intimate in his fathers family"

- | | |
|--|---|
| (1) Impressed him "as a mild peaceable
lad" "of amiable and refined manners" | (1) "a very amiable and mild man" |
| (2) "More feeble than his appearance would
indicate, rather inclined to pulmonary
disease" | (2) " feeble for a long time" "his
physique is much below what his
size would indicate" "his
health seemed unusually infirm"
"shortly previous to this
occurrence" |
| (3) "Man of spirit" | (3) "a man of spirit, but of a
just and honorable courage
only" |

JAMES GUTHRIE, p. 31
Es. Walnut bet 2 & 3d
Secy of Treasury

p.31 "on intimate terms
with his father's family"

- | | |
|--|---|
| (1) "an amiable sprightly boy" "regarded
as a mild amiable man" | p.32 on
(1) "a very amiable, sprightly
boy" "a mild amiable gentleman" |
| (2) "his health became more delicate"
"travelled [Europe] father's health"
"his health was extremely delicate" | (2) "health feeble for many years"
"the last time I saw him,
before this <u>occurrence</u> , he
was very feeble" |

GEO. D. PRENTICE, p. 31
 Editor of Galt House Journal

p.32 "intimate personal acquaintance"

(1) "mild, quiet and amiable going gentleman - as much so as any man I ever knew" "amiable and kind" "but one opinion respecting his amiability in the community"

(1) as mild, quiet, and amiable a gentleman as I have ever known"

(2) "health very feeble" "previous to this occurrence" and "had used crutches"

(2) "Invalid for many years" "very feeble shortly previous to this occurrence" "walked on crutches"

(3) "a man of spirit, quick to resent an injury"

(3) "a gentleman of spirit - one who would be prompt to resent an insult"

p.33

p.34

(4) 5 hours "after the difficulty" "my attention was called to his face and eye, which was reddened and slightly colored. I should not infer a severe blow, but one sufficient to cause injury". "The redness was under the left eye; did not notice it till his attention was called to it by defendant"

(4) "My attention was called to the appearance of his face; a portion of the cheek and the eye were unusually red and appeared swollen; I should not have inferred that a severe blow, but some injury, had been received"

p.34

(5) Re carrying arms. "It was his impression that the portion of citizens who bore arms habitually, was small, quite small; yet young men anticipating a difficulty with persons of superior strength, would carry arms to protect themselves; not to commit murder, but to prevent disgrace.

(5) My own impression is that the proportion of those citizens who bear arms habitually, is small. Nevertheless, I believe almost every young man, if he is expecting an interview which is unpleasant and may result in collision, especially with a person of superior strength, arms himself. Have known numerous instances in which it has been done - not with a view to commit violence, but to prevent himself from being disgraced.

ISAAC H. STURGEON, Asst. Treasurer of U.S.
 St. Louis, p. 31

p.32 Ditto, Resided in Louisville until 1846.

(1) Since 1841 he bore "the character of a peaceable quiet man"

Ditto "The character of a peaceable quiet citizen, and an amiable man" "his reputation for mildness and gentleness has always been remarkably good"

(2) "his health has always been delicate, and is now quite so" "had never seen so small limbs on a man of his height"

(2) "the health of Mr. Ward has always been feeble" "a man in very delicate health" "his frame is remarkably delicate for a man of his height"

COL. STEPHEN ORMSBY, p. 31
reside 9 miles from Louisville

(1) His character for amiability and mildness was always good" Had heard him spoken of by his college friends in the highest terms

(4) do. I go there myself!!

p.32 Intimately acquainted with him for 15 years.

(1) "remarkably amiable and quiet disposition"

(2) "His health has been feeble since he left college"

(4) "never saw him in any places of dissipation ordinarily frequented by young men"

LARZ ANDERSON, Cincinnati, p. 32

(1) As a child he was more remarkable for sweetness and amiability of disposition, than any one I ever knew; as a man, he has always borne a good character, for peace and quiet

(2) "His health has been very feeble" "Shortly before this difficulty" "he had his crutches with him"

p.32

Do.

Do.

WM. TYLER, p. 32
Known Ward for 14 years- Knew him as a school boy

(1) "He was one of the most quiet peaceable, bland and mild boys I ever knew" etc etc as a man

(2) "His health has always been feeble"

p.33 Louisville

Do.

"never knew a person so much celebrated for such a disposition"

Do.

HORACE B. HILL, Lexington; and in Maysville for ten years p. 32

(1) For amiability, kindness, and mildness his character was as good as any boy I ever knew"

(2) "His health has always been feeble"

p.33. Do. Intimately acquainted with him and his father's family

Do

Do

DR. JAMES C. JOHNSTON p. 32
NS Jefferson bet. Brook & Floyd

p. 33

Lived in Louisville 65 years

Do.

(1) "he was always remarkable for amiability of character; his conduct always remarkable for uprightness and quietness"

(1) Substantially the same

(2) Nothing

(2) "his health has been very precarious, for many years; his frame is extremely delicate"

W. B. CLIFTON, p. 32
Louisville

p.33

Known him for 7 or 8 years

(1) "his character for mildness, urbanity, and peaceableness is unexceptionable"

Do. substantially

MAJ. T. L. ALEXANDER, U.S. Army, p.34

(4) "Saw Matt Ward half an hour after the shooting; saw on his left cheek the appearance of a blow; it was red. it could not have been a severe blow, but still left its impress"

Do.

(5) "Did not know it was a general custom [in Louisville] to carry arms" "it was done when a person expected difficulty with a stronger person; generally worn for defense, not for attack"

Do.

J. HIRSCHBUHL, Louisville, p.38-39

p.39

(6) Saw Ward the day this affair happened. Had a music box for him. He said he must start next day for his Mississippi plantation. Don't know the man he was talking to. The box came back in 15 minutes.

(6) "On the day of the occurrence" saw Matt Ward who sent a servant for a music box before it was repaired. Saw him talking with a man outside my house that morning. Spoke to him. He said he would send it back if I could get it repaired by next Monday as he was about to leave for the South. He sent the box back. I reside on Third Street between Main and Market three or four doors South of Gilmore and Dixon's gun store. This was between 9 and 10 o'clock. He was going in the direction from Gilmore to his own house. The box was sent back to me immediately after I saw him. Did not observe anything annoying or anger or agitated in his manner. "

MRS. J. A. BEATTIE, page 40
 Millinery Store
 West side Fourth between Market
 and Jefferson

MRS. J. A. BEATTIE, Louisville milliner
 p. 39

(6) Day before the affair Mr. and Mrs. Ward and sister bought purchases for a trip to Arkansas understood they were leaving in a few days.

(6) Late in the afternoon before the affray Ward, his wife and sister called and made purchases and spoke of leaving in two or three days for Arkansas

LAWRENCE RICHARDSON, p. 40
 (Todd and Richardson)

p.39

(6) Evening before the "affair" Matt Ward and his wife told me they intended to go south. They were making various purchases. It was just before dark. The meeting was accidental. Ward said he was going to his plantation in Arkansas.

(6) On evening before the affray overtook Ward and his lady and he spoke of leaving for his plantation in Arkansas. This was a little before dark. They spoke of going in a very few days. It was an accidental meeting.

CAPT. PEYTON KEY, p. 40
 (Ward's father-in-law)
 south side of Walnut between 7th & 8th

Mr. Ward and his wife who is my daughter engaged passage on the "Belle Key" to start on Monday after this affair for Helena, Arkansas where Mr. Ward's plantation is

p.39-Ward and his wife (who is my daughter) had engaged passage for Monday after the affray to go to Willoughby, his plantation in Arkansas

ROBERT JOHNSON (R.A.J. cousin of Ward reside in Louisville) p. 40

p.39-40

(2) "His health has been very feeble; often used crutches" laid aside crutches shortly "before this event" but "did not use them at this time"

(2) Ward's "health has been very feeble for many years" rheumatism "when this affair took place"; have seen him when he was unable to walk with out crutches

(4) "Saw Ward just after this occurrence. Saw marks of a blow on his cheek, or evidences of an injury, it might have been produced by any hard push or knock"

(4) Saw Ward "on the day of the affray, after it was over; noticed effects of an injury on his cheek; it gave the impression of a blow having been received there"

(6) Arranged to go down the river with Mr. and Mrs. Ward on Saturday after this "event". Arranged it "before the occurrence".

(6) Had arranged to go down the river with Ward on the "Belle Key" the boat was to have started Saturday after this affair but did not leave until Monday or Tuesday. "Mr. Ward was detained, by this occurrence from going". Arrangements were made some days before the affray.

ROBT. J. WARD, SR. (father of Matt Ward, resides 2nd & Walnut, p.41-42

- (2) "Matt's health has been very feeble for some time"

COL. GEORGE HODGE, p. 43

p.43

- (5) "Saw Robt. J. Ward, Jr. in Cincinnati the day before this occurrence. He carried a large bowie knife while in Cincinnati" Strangers sometimes carry arms crossing the river to Newport as ferry is the worst lighted and most infested with rogues.

- (5) "Saw Robt. Ward, Jr. in Cincinnati the day previous to this occurrence". "While in Cincinnati he was in the habit of carrying a bowie knife". Explained that young Ward called on Hodge's family in Newport at night and strangers often carried arms as a precaution."

DR. S. D. GROSS (lives on the north side of Walnut between 3rd & 4th) p. 44

p.44 Lives within a square and one third of the Wards, in Louisville more than 13 years.

Have practiced in the Ward family

- (1) "Always understood" he was a mild amiable peaceable man; never heard of his being engaged in any quarrel
- (2) "Know Matt Ward's health only from report"
- (3) "Regarded him as a gentleman who would resent an insult."

- (1) Regarded him "as a mild, quiet, courteous and amiable gentleman"
- (3) "Have always considered him, however, as a gentleman of spirit who would resent an insult".

DR. LEWIS L. ROGERS (North side of Jefferson between 6th and 7th) p. 44

p.44. For more than 20 years my father and myself have been Ward's physicians.

- (1) "Always esteemed him as of very amiable deportment"
- (2) "Has been in feeble health for several years; had the rheumatism bad last fall, saw him with a crutch. He was under my charge at the time of this occurrence". He was very feeble, muscular system much reduced.

- (1) "Have always esteemed him as a man of great amiability, that is his general character and were his disposition quarrelsome or unamiable the fact would be well known".
- (2) "His health has long since been very feeble". Had a severe attack of rheumatism last fall and had to use a crutch. Was under my "at the time of this occurrence"

DANIEL McALISTER (West side center between Green and Walnut) p. 44
Louisville; Plasterer

Known Ward for a number of years "have heard nothing against his character as a peaceable, quiet, well disposed man"

COLEMAN DANIEL, p. 45

Plasterer in Louisville; boards at East side First between Market and Jefferson

"Never heard anything against him until this occurrence. I am an industrious mechanic. The plastering business quit many ten years ago."

MAJOR DAVIS CARNEAL, p. 45

"Knew no young man who bore so good a character"

Considered my son safe while in Ward's company.

p. 44.

Plasterer by trade. Lived in Louisville 52 years.

Known Ward for many years "his character is that of a peaceful quiet well behaved young man."

p. 45

Worked as plasterer from 1808 to 1844. Knew Ward for twenty years. "He has always worn the character of a peaceable, amiable and polite gentleman."

p. 44

Intimate with Ward's father's family from his infancy.

(1) "Know of no young man who has borne the same reputation for gentleness and amiability of disposition."

GOL. ROBT. P. RANKIN, Arkansas, p. 45

p. 45.

(1) Known Ward since he was born. "While a child he was kind, tender and affectionate. Since he came to manhood have heard nought against him."

(1) Ditto. Has owned a plantation near mine in Arkansas.

JAMES S. LITHGOD, south side Chestnut between Brook and Floyd, p. 45

p. 45

(1) Known Ward for ten or twelve years. "Always looked upon as a quiet, peaceable, well disposed man"

(1) I am a mechanic. Known Ward for many years. "Excellent character for peaceable and amiable disposition"

JOHN STIREWALT (south side Green between 8th and 9th; marble works Nevin & Stirewalt) p. 45

Known Ward since 1838

(1) "His character as an amiable, mild and quiet man was never disputed"; he never engaged in any quarrels in school "since that time have never seen him so often".

(1) Substantially ditto.

COLE

JAMES S. SPEED, Mayor of Louisville,
for last 2 years, p. 45

Public situation from hod carrier
up to U.S. Marshal

Known Ward for twenty years.

(1) His character has been entirely
unexceptionable. Have never seen
him in drinking or gambling
establishment or cut skylarking.

MRS. [OR MR.] JUDGE OLDHAM,
reside 3 miles from Louisville, p.45
Known Ward for 22 or 23 years

(1) Character unexceptionable. Never
knew him in any quarrel as boy or
man.

MRS. MAJOR GWYNN OR GWINN, p. 45

p. 45 "Always heard him spoken
(1) of as a peaceable, quiet,
amiable man; he has always been
kind as a son and brother".

WILLIAM LOGAN [res. Galt House] p.46
Spratt Logan & Co. Commission
Merchants.

Known Ward 17 or 18 years. "A
more amiable, kind and affable man
I never knew; everybody looks on
him in that light."

CAPT. J. W. BRANNON, P.M. at Louisville,
p. 46

Known Ward for ten years. "He is
one of the most gentle and amiable men
in Louisville".

p.47. Recalled

"Believe it is the general custom
in purchasing pistols to have them
loaded where they are bought.

RICHARDSON

p. 45

Bricklayer by trade; worked at
it for many years. Twice in the
Legislature. U.S. Marshal for the
State. Mayor of Louisville for
two years past

(1) Ward's character for amiability
and gentleness is unexceptionable.
Never saw him in a drinking or
gambling establishment.

p.45

(1) "His character for peacefulness
and amiability both as boy and
man has been unexceptionable and
excellent.

p.45. Have known Ward for 22 or
(1) 23 years. Substantially ditto

p.45. Substantially ditto

p.45. Substantially ditto.

RICHARD ANDERSON, p. 46
(school mate with Ward)

p.45-46

"He was a great favorite for his kindness and gentleness; was beloved by all who knew him."

Substantially ditto

ROBERT J. ORMSBY, Hardware, p. 46
North side of Main between 2nd and 3rd, salesman for commissions

Known Ward since 1838

"He is very mild and peaceable; beloved by all who knew him. He has lived in my mother's family".

p. 46 Substantially the same

CAPT. WILLIAM C. HITE, p. 46

p.46 Substantially the same

"He is kind, peaceable and universally beloved by all who knew him".

"Universally beloved for his gentleness and mild disposition."

CAPT. Z. M. SHERLEY, Louisville, 46

Knew Ward since a boy. Saw him in New Orleans and on my boat.

p. 46

(1) Heard him spoken of at Helena Arkansas where he owns a farm; he was generally beloved for his mild peaceable and amiable manners.

Substantially the same

COL. GEORGE HANCOCK, p. 46

p.46

Known Ward twenty years. "Always thought him an amiable and good tempered young man. He was always spoken of by his acquaintances."

Substantially the same

DR. WILLIAM R. JACOBS (druggist) p.46
Known Ward for twenty years. Were boys together. He was a man of peace more so than any man I know of in community.

p. 46

Substantially ditto

WILLIAM E. GARVIN, p. 46

p. 46

Known Ward since we were both children. Was school mates together.

(1) "Was a remarkably pleasant boy at school, mild, peaceable and gentle; beloved by all who knew him and had no enemies. Has always borne that character."

(1) Substantially ditto.

COLLIS ORMSBY (resided with Mrs. R. Ormsby, Flat Lick Road) p. 46
Known Ward for 12 or 15 years.

p.46

(1) He has always been a peaceable, amiable and kind gentleman; so regarded by the community.

(1) Substantially ditto

CAPT. CHARLES A. FULLER, in U.S. service, p. 46
Improvement of Western rivers;
known Ward eight years

p.46

(1) "He was a hightoned amiable gentleman so regarded by the community"

(1) Substantially ditto

CAPT. FRANK CARTER (res. Chestnut bet. 2d and 3d of Carter & Jouett Com. mer. Main bet. 3d and 4th) p. 46

Known Ward 12 or 15 years.

p.46 Ditto

(1) "regarded him as a kind, generous man, as much so as any man I ever knew".

(1) "regarded him as a mild, amiable young man".

BENJ. R. POLLARD, p. 47
Deputy Com. Chancery
Known Ward 8 years

p.46

Ditto

(1) "he bears an amiable character"

(1) his character and deportment have always been excellent

DR. E. CASPARI, p. 47
Office 131 2d St.

p.46

Since he had known Ward,

(1) Ward "has borne the character of an amiable gentleman, mild, quiet and courteous".

(1) "Always borne a very good character as a peaceable, amiable gentleman"

COL. ALEX P. CHURCHILL, p. 46

p. 47

Known Ward 20 yrs.

(1) As a man he was kind, courteous, and gentle".

(1) As a man has ever been courteous, peaceable and frank".

J. J. KEY, Clerk of Court of Maysville for 13 yrs., p. 47
Knew Ward 4 years

p.46. Knew Ward since 1831

(1) "His general character is very good".

(1) Struck with his polite, gentlemanly deportment; this has always been his character"

L. B. WHITE, City Marshal of Louisville, p. 47

p.46-47 The weather was very inclement. Ward put on his overcoat, went to jail with me.

Heard of "this affair". Went with Officer Gilmore to arrest Matt Ward. Met his father. Went to the father's house. "Robert came to the door and said Matt had vamoosed". Matt soon appeared, surrendered himself peaceably, made no resistance, and asked me to wait until his father came. I did so and he accompanied me to the jail.

(1) "Knew Ward well; he was a most estimable man. Often visited him in jail."

(1) "Have known him from a boy; he has always borne a most irreparable character. First heard of the killing within 15 minutes of the affray. Saw no indication of any attempt to escape.

Arrested him between 10 A.M. and 11 A.M.

"Heard of the occurrence 15 mins. after it transpired. Ward could have escaped from town if he had wished. Saw no indication of a desire to escape. He was well guarded on the journey to Elizabethtown. There were three guards for the two prisoners."

J. O. BULLOCK, p. 34, 48

(1) "His character for peaceableness, amiability, etc was never questioned".

(1) He has uniformly been considered of a remarkably peaceable and quiet disposition, both as boy and man; his companions have been much attached to him on that account"

(2) "His health has always been feeble. It was a subject of talk between him and me which weighed the least a short

(2) "His health is very feeble, and had been delicate for years". He weighed 111 lbs. a few weeks before this difficulty".

time before the affair. We were weighed. He weighed 111 lbs and I 113 1/2.

P. 34, 48

P. 35

(4) "Saw him an hour after the difficulty. (4) One of his cheeks was redder than the other; should imagine it was the result of a blow; believed so at the time."

"Saw him within an hour after the difficulty with Prof. Butler; one of his cheeks was much redder than the other. My attention was not particularly called to it; it was my belief from the appearance of his cheek at the time, that he had received a blow". Suppose an equal redness of his cheek might have been produced by some other causes besides a blow; no one called my attention to it.

(5) "Did not know as it was the custom for persons buying pistols to have them loaded, only from his [Bullock's] own practice".

This reporter omits the testimony of J. O. Bullock on recall, i.e. about custom of loading pistols when buying them and also omits entirely the testimony of Col. G. Hodge on the same subject, both of which are included in the Cole transcript of testimony.

COL. GEORGE B. HODGE, recalled p. 48

"Had always seen pistols loaded when purchased in order to show the purchaser how to load them."

JUDGE ALEXANDER WALKER, p. 48

Reside in New Orleans

p. 47

(1) Editor of the Delta; "never knew a man more gentle and kind. He was so to a fault". That was his reputation in New Orleans.

(1) "Never knew a young man of a more amiable, kind and courteous disposition; he is so regarded by all who know him."

GEORGE E. H. GRAY (Banker in New Orleans) p. 48

Knew Ward since 1836.

(1) As far as I know, or have heard, he was a very amiable and kind and quiet man. Always bore that character.

(1) Was born and have always lived in Louisville; Otherwise substantially the same as Cole's transcript.

WILLIAM J. ROBARDS

(1) Had known Ward 17 years; he was always quiet and gentle in disposition.

(4) Saw him just after this occurrence. Noticed the mark on his face.

N.B. He may be J.W. Robards, a carpenter. See City Directory.

(1) Substantially the same except as follows:

(4) "Saw him soon after this occurrence; noticed then that his left cheek bore a mark; it was red and inflamed."

JAMES KEY (probably recalled)
And the same person as J. J. Key, supra]
p. 48

(5) "Could not tell whether it was the general custom to have pistols loaded when bought or not."

p. 47. This testimony is omitted entirely from the Richardson record.

ROBERT ADAMS, p. 48

(5) "Have frequently known it to be the case that pistols were loaded when purchased, especially when requested."

p.47. Adams' testimony is entirely omitted from the Richardson transcript.

WILLIAM LOGAN recalled, p. 48

(5) "Did not know what the custom in this matter was."

p. 49 Testimony omitted entirely from the Richardson transcript.

A. T. BURNLY, p. 54

(1) "Had known M. F. Ward ever since he was a boy intimately; always considered him very amiable, not quarrelsome at all, remarkably mild, quiet, peaceable, courteous".

p.52.

Substantially the same but add as to:

(3) "He is a man of spirit, however, and would resent an insult if offered to him".

(5) "He had all the necessary courage to resent an injury. He was a high-toned gentleman."

James S. Pirtle (aged 13): Son of Judge Henry Pirtle; saw Mr. Ward come in and inquire for Mr. Butler. Ward asked him who was the worst, a contemptible puppy who begged the chestnuts and told a lie or the one who gave them to him. Butler said he would explain the circumstances if he desired. Ward replied he wanted his question answered. Then the pistol was fired, Butler fell, and I ran out. I went in again and saw Robert Ward pick up a pistol on the floor and carry it away. During the conversation Ward had his hat in his left hand.

Minor Pope (aged 17): Matt. Ward inquired for Butler; Pope went for Butler, and told him two men wanted to see him; he came out, bade Matt. Ward good morning, and Ward said "I have a matter to settle with you". Butler asked him to come into his room, and Ward said "Why did you call my brother William a liar?" "As I looked up from my writing, Ward had a pistol and discharged it. I noticed his right hand in his pocket when he entered and I think he took the pistol from his pantaloons pocket. They were very close together when the pistol was fired. Ward was between Butler and the door. Butler was between Ward and myself. The distance between the parties when the pistol was fired was 3 or 4 feet. I was writing a German exercise. Robert Ward ran around with a knife crying "Stand off". Ward gesticulated with his left hand, while his right hand was in his pantaloons pocket. Ward talked in a high tone. His right hand was in his britches pocket. He did not press Ward back toward the door". Went for Dr. ~~Thompson~~ Thompson.

John A. Campbell (aged): When Ward sent for Butler he came and said good morning. Matt. asked "Which do you think the worst, the contemptible puppy who begs chestnuts and then lies or my brother?" Matt. called Butler a damned liar just before the pistol fired. Butler's back to me. We carried Butler in our arms from Second and Chestnut. He had walked to that point; carried him 90 or 100 yards.

Edward W. Knight, (aged 16): About 9:30 AM a negro came to the school room and took away all the books of Victor and William Ward.

About 10 o'clock was in Mr. Sturgus' recitation room; saw Matt., Robert Jr. and Willie Ward come in the gate from the street; looked into the big school room and heard Matt. Ward say to Mr. Butler "I have a matter to settle with you". Butler asked Ward to go into his room and he would explain the matter. Ward refused and said "Here is the place to answer the question". Butler refused to answer without giving an explanation. Ward called him a damned liar, and made a motion to strike Butler, who stepped backward. Ward struck Butler first; ^{Butler} made one step forward, and laid his right hand on Matt.'s shoulder. Matt. drew his right hand from his pocket with the pistol in it, immediately pressed it to Butler's left breast and fired. Butler fell, crying "Oh, my wife and child. My God, I am dead". The pistol stuck in the wound and Butler knocked it out.

Matt. Ward then drew another pistol, and Robert Ward, Jr. drew a knife.

Mr. Sturgus came out of his recitation room, and Robert advanced toward him with the ~~ki~~ knife; and Sturgus ran back into his room and got out of the window.

Butler staggered into Sturgus' room, came back, and Knight and several scholars assisted Butler out of the room, across the street, and carried him into Col. Harney's house about a block distant.

Ward said nothing about the whipping episode. Ward left his pistol on the floor and walked away very deliberately.

Never saw Butler strike Ward.

William Worthington (aged 18): Saw the Wards come in, and Butler come out of his recitation room. Matt. Ward asked Butler if he had called William Ward a liar, and Butler said he could not answer that unless he was allowed to explain. Looked around as the pistol was fired, and Butler fell.

determining the weight to be given to their unanimous and uncontradicted testimony of what they saw and heard with their own eyes and ears.

Now for the testimony at the trial:

J. J. Gilmore (gun smith on Third Street near Main Street) testified that about 9 o'clock on Wednesday morning, November 2d, Matt. Ward came to the store, bought two new self-cocking pistols, with 2 1/2 inch barrels, which would shoot through a 2-inch plank; requested Gilmore to load them both, which Gilmore did with powder and ball, and put caps on them, fully prepared for use (Cole p. 26; Richardson p. 26).

Mrs. Harney (wife of the Editor of the "Louisville Democrat") testified that about 10 o'clock she saw Matt. Ward near the Post Office at ~~3~~ Third and Jefferson, walking up Third Street ~~xxxxxxx~~ towards Chestnut, with one hand in his pocket, the other by his side; that he walked with a firmer gait than usual, and there was a firmness and determination in his appearance which she had never seen before (Cole p. 26-27; Richardson p. 26-27).

Edward W. Knight