

"THE MOST NOTABLE CASE ON RECORD
IN FAYETTE CIRCUIT COURT":
THE 1913 ARSON TRIAL OF UNIVERSITY OF KENTUCKY
FOOTBALL COACH DICK WEBB

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Every so often, a courtroom proceeding captures the public's attention. Trials which combine elements of crime, mystery, and celebrity frequently generate intense interest. The 1913 arson trial of Richard S. Webb, Jr., captivated the residents of Lexington. From the outset, it was clear that the Webb case had all the makings of "the trial of the century," at least on the local level. It combined a socially prominent defendant, a mystery witness produced at the last minute, experimental scientific evidence, a high-powered legal-defense team, and a direct tie to University of Kentucky athletics.¹

The defendant, a member of a notable Lexington family, was a very popular figure in Lexington. He had been the captain of the 1910 University of Kentucky football team, selected to the Kentucky collegiate all-star team, and "tipped by men who knew football as the best center in the south." After earning his degree in engineering, he coached the Wildcats in 1911 and 1912.² The prosecution charged

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1 The Webb family referred to throughout is not related to the Webb family currently prominent in Lexington. The phrase about the significance of the trial is from "Argument Finished; Webb Case Will Go to the Jury Today," *Lexington Herald*, 3 May 1913, p. 1.

2 "Dick Webb Chosen Captain of the 1910 Football Eleven at State University," *Lexington Leader*, 2 February 1910, p. 10. There is some doubt as to who was the head football coach in the fall of 1912. A list compiled by the athletic department in 1941 lists P.P. Douglass, while numerous entries in the *Lexington Herald*, and, most notably, Webb's testimony in his trial, indicate that he held the top post while Douglass served as assistant.

that on 30 October 1912 he burned the office of F. Paul Anderson, dean of engineering at the university. Adding fuel to the rampant speculation and rumor stimulated by the crime and subsequent trial was the widespread belief that Anderson's office housed the eligibility records of all University of Kentucky football players.

To understand the events leading up to the trial, as well as the key figures involved, it is necessary to go back to the spring of 1912. At that time, the university announced that it had persuaded former coach E.R. Sweetland to return to Lexington and resume his duties as head coach and also fill the newly created position of athletic director. Sweetland had coached the Wildcats in 1909 and 1910, posting records of 9-1 and 7-2. During his brief stay, he had earned the love of his players and the devotion of the students. Unfortunately, he left the Bluegrass after the 1910 season citing vague health problems.

News of his return in the spring of 1912 created a sensation on the campus. In fact, the lead athletic story in the 1912 student yearbook the *Kentuckian* was not the 1911 team's 7-3 record under Coach Webb but rather the news of Sweetland's return. In stirring rhetoric, the *Kentuckian* proclaimed, "Yes, he has come back—the courteous gentleman, the true sportsman, the loyal friend." Webb stayed on the staff as assistant football coach.³

Actually, Sweetland's first official duty was to coach the men's basketball team. The program was far from the national powerhouse it is today; it had managed to win only thirty-nine percent of its games. In fact, things became so bad that in 1909 the administration voted to abolish the sport because of overcrowding in the gymnasium and the team's poor record. Explaining its action, the committee responsible for the ban stated that things were "better never done than half-way done."⁴ Under Sweetland's coaching, however, the 1912

3 "Director of Athletics," *Kentuckian* (1912), 115. Copies of the yearbook are in Special Collections, Margaret I. King Library, University of Kentucky, Lexington, Kentucky (hereafter Special Collections, King Library); "Assistant Athletic Director, Dick Webb," *Kentuckian* (1912), 162.

team achieved the first perfect record in the university's basketball history. The Wildcats tore through the nine-game schedule that spring, never losing and, in fact, never trailing in a game. It handily defeated all local challengers as well as Ohio University, Vanderbilt, and Tennessee. The students gave all the credit to Sweetland for this dramatic turnaround. The yearbook stated that the whole season bore "the impress of the magical hand of Coach Sweetland." He filled the players with confidence, trained and instructed them as only he could, "and as is his invariable custom, turned out a championship team."⁵

Unfortunately, Sweetland had little time to relish his hearty welcome or his basketball success. Neither he nor the athletic program could escape the persistent late-spring rumors that the Kentucky Intercollegiate Athletic Association (KIAA), the governing body of college sports in the state, planned to take harsh disciplinary action against the university. Sweetland at first attempted to steal some of the KIAA's thunder by declaring that the university had long since outgrown the league. On 28 May the *Lexington Herald* reported that Sweetland would formally withdraw the university from the KIAA at the end of the baseball season. Sweetland noted that the Wildcats had won more state titles than all the other member schools and while the University of Kentucky had grown steadily stronger, the other schools had noticeably weakened. He believed that the university should look south to the newly formed Southern Intercollegiate Athletic Association (SIAA), the forerunner of today's Southeastern Conference, for more competitive games.⁶

A week later the KIAA reported that, based upon its investigation of the University of Kentucky sports program, it was suspending the university for one year because of various rule violations. It accused the school of playing ineligible athletes and of allowing professionals

4 "Stop Basketball at State University," *Lexington Herald*, 20 November 1909, p. 3.

5 "Review of Season," *Kentuckian*, (1912), 139.

6 "State University to Pull Out of the KIAA," *Lexington Herald*, 28 May 1912, p. 4.

to play on the baseball team. It ordered the baseball team to forfeit its state title and banned all university teams from playing association schools during the next year.⁷

Sweetland tried to dismiss the league action as insignificant, yet the one-year ban loomed ominously. Finding opponents which were not KIAA members proved difficult, especially when Centre College indicated that it would remain in the league. The program earned most of its revenue from the annual Thanksgiving-Day game, yet many Wildcat fans feared the ban would jeopardize a holiday game with a popular rival such as Centre or Transylvania and would thus cripple the team's finances. After a great deal of work, Sweetland succeeded in filling the schedule for the 1912 season. He did so by arranging games with teams from Ohio, West Virginia, Virginia, and Tennessee. Yet negotiations for a Thanksgiving-Day game with Transylvania, Centre, or Tennessee failed, and Sweetland settled for a game with the Cincinnati YMCA instead.⁸

In the fall several events further marred Sweetland's homecoming. Throughout much of October, the rumor lingered that the KIAA had leaked the findings of its investigation of the university to the SIAA. The situation worsened in late October when the faculty athletic council, after reviewing its own records, suspended a player claiming that he was ineligible. Another rumor then leaked out that more suspensions were forthcoming. Such a possibility resulted in growing animosity on campus and much of it was directed at a prominent council member, Paul Anderson, who was seen as unduly harsh on matters of athletic eligibility.

This animosity steadily escalated. Posters on campus reading, "To hell with Little Paul!" or "Benedict Arnold lies in a traitor's grave but little Paul still lives" boded ill. So too did the bullet holes in the screens on Anderson's office windows.⁹ The week before the

7 "Baseball Victory of State is Knocked Out," *ibid.*, 5 June 1912, p. 4.

8 *Ibid.*

9 "Webb is Held to Grand Jury upon Perjury Charge," *ibid.*, 4 January 1913, p. 1; "Dick Webb on the Witness Stand in his Own Defense," *ibid.*, 5 January 1913, p. 1.

much-anticipated game with Virginia Military Institute, the council announced that it had suspended star quarterback Jim Park, pending further investigation of various allegations. The previous year the KIAA had declared him ineligible on charges of professionalism, but the SIAA had not yet ruled.¹⁰

News of this suspension caused an even greater campus uproar. Shortly after the announcement of Park's suspension, a fire broke out in Anderson's office in the Mechanical Building. The fire caused little damage to the building, but it destroyed the contents of the office, including some of Anderson's personal belongings and several important university records. Chief among these documents, as reported at the time, were the eligibility records of football players. Both the student newspaper and the *Lexington Herald* originally reported that "crossed electrical wires" had started the fire. After a more careful investigation, however, the official ruling pointed to arson.¹¹

The discovery of some items belonging to Anderson on campus added credence to this conclusion. A few days after the fire, several boys who generally played near the football practice field found some unusual items. They reported their discovery to assistant coach Dick Webb, who at one time had worked in the Mechanical Building. Webb identified the objects as several cut-glass bowls and a slide rule belonging to Anderson. The authorities quickly deduced that the office had been robbed shortly before the fire because all of the other contents of the office had been destroyed or greatly damaged by the blaze.¹²

10 "Park is Suspended from the University Team," *ibid.*, 31 October 1912, p. 3. The paper occasionally referred to him incorrectly as Parks.

11 "Fire Ruins Anderson's Office at University," *ibid.*, 31 October 1912, p. 1; "Office of Anderson Robbed Before Fire, Blaze May Have Been Due to Work of Incendiary," *ibid.*, 3 November 1912, p. 1; "Fire Ruins Professor Anderson's Office," *Idea* (student newspaper), 7 November 1912, p. 4, Special Collections, King Library.

12 "Office of Anderson Robbed Before Fire," *Lexington Herald*, 3 November 1912, p. 1.

For some onlookers, most notably President Emeritus James K. Patterson, the link between the fire and the football team looked incriminating. President Henry S. Barker at first tried to gloss over the episode, reminding the board that the insurance companies covered the \$3,100 in damages. He also noted that the whole matter was in the hands of the proper authorities. The board, on the other hand, reacted a bit more forcefully. It passed a resolution stating that it very much regretted "the unfortunate developments in the athletic situation at the University." It urged the president and the executive committee to take prompt action in investigating the cause of the fire and any link with "the athletic disturbances."¹³

While these rumors circulated, more bad news flooded in. In late November, the SIAA suspended the university's athletic program for an unspecified period. The SIAA charges mirrored those brought by the KIAA that spring. The SIAA declared quarterback Jim Park ineligible because he had played professional baseball in the summer Bluegrass League. The SIAA also penalized the university for admitting some football players who lacked sufficient entrance credits. Additionally, the league claimed that the Wildcat baseball team had violated other admission rules.

To these charges the SIAA added one that had not been made previously by the KIAA. The new charge centered on the football team's star halfback, "Doc" Rodes. He had skipped spring and pre-season practices but then showed up unexpectedly the day of the 6 October Marshall game and single-handedly won the game. According to the SIAA, however, he would have done well to have stayed away; its executive committee ruled that he had played longer than the four years allowed by league rules.¹⁴

Five days after this announcement, the Wildcats closed the disastrous season with a dull Thanksgiving-Day game against an

13 University of Kentucky Board of Trustees Minutes, 10 December 1912, pp. 81-84, Special Collections, King Library.

14 "State University Suspended From South's Athletics," *Lexington Herald*, 24 November 1913, p. 1.

outmanned YMCA team from Cincinnati. In hopes of boosting attendance, the athletic department scheduled a holiday doubleheader for Stoll Field. Spectators at the first game saw Lexington High School defeat the University of Kentucky freshmen 14-0. A small and late-arriving crowd watched the varsity rout the hapless YMCA team, 56-0.¹⁵

After the close of the season, bad news for the athletic department came in torrents. In mid December, the state fire marshal investigating the campus arson became troubled by the contradictory testimony he had compiled. It seemed to him that the statements made by Webb clashed with all others he had taken. Webb had stated that he left the campus after eating supper at the football team's training table at 6:45 p.m. and returned to the home of his parents in downtown Lexington. Numerous other witnesses, however, had reported that they had seen Webb on campus between 9:00 p.m. and 11:00 p.m.¹⁶

The fire marshal, the police chief, and the district attorney believed that this contradiction cast enough suspicion on Webb to merit bringing charges against him, at least for perjury and perhaps for arson. This was not a decision which they made hastily. The twenty-four-year-old Webb was an extremely popular figure in Lexington. He also belonged to a very prominent local family. Moreover, in addition to his coaching position, he served as an officer of the court. At the time of his arrest he was the assistant probation officer.¹⁷

Generally, defendants accused of felonies waived a preliminary trial so as not to reveal their defense strategy.¹⁸ Confident of

15 "State University Triumphant Over Cincinnati Team," *ibid.*, 29 November 1912, p. 1.

16 "Webb Is Held to Grand Jury Upon Perjury Charge," *ibid.*, 4 January 1913, p. 1.

17 *Ibid.* See also "Dick Webb Chosen Captain of the 1910 Football Eleven at State University," *Lexington Leader*, 2 February 1910, p. 10.

18 For a summary of court procedures at that time, see Chilton Bush, *Newspaper Reporting of Public Affairs. An Advanced Course in Newspaper Reporting and a Manual for Professional Men* (New York, 1940).

acquittal, Webb elected to have such a trial instead of submitting the matter immediately to a grand jury. The ensuing trial caused great excitement in Lexington. In the words of the *Lexington Herald*, no case had attracted such interest owing to the "prominence of the principals" and the connection with University of Kentucky football. Many legal experts believed that securing an indictment against a popular person from such a notable family would prove to be a formidable task for the prosecution. The task grew even more daunting when the Webb family assembled a team of the finest attorneys in Kentucky, including George C. Webb (no relation), Samuel M. Wilson, and the renowned Henry S. Breckinridge.

The preliminary trial (sometimes referred to at that time as an examination trial) began 3 January and lasted a week; fifty witnesses were called. During this period, spectators packed the courtroom occupying every seat, bench, and standing space. So great was the crush of onlookers that the judge moved the proceeding to a larger courtroom. Even so, the crowd spilled out into the hallway. The prosecution opened by calling the fire marshal C.C. Bosworth who reported the results of his inquiries into the nature of the blaze as well as his interviews with Webb. In the first of many legal maneuvers, defense counsel Samuel Wilson objected to the testimony of Bosworth, claiming that the law establishing the position of fire marshal was unconstitutional. Accordingly, his alleged inquiry was not a legitimate judicial inquiry and was, therefore, null and void. Charles Dodd, the presiding judge, dismissed this motion.

Breckinridge then objected on the grounds that Bosworth had compelled Webb to testify without being warned that he was under suspicion. Judge Dodd did not immediately rule on his objection, letting the prosecution elicit further testimony from Bosworth, who stated further that at the time he had questioned Webb in December, he had no particular suspect in mind. Furthermore, he affirmed that he had indeed "duly sworn" Webb as a witness, advising him not to answer any question which might incriminate him. The defense did not renew its objection. It did, however, ask Bosworth on cross-examination who had been present during this questioning.

Bosworth stated that he and Webb had been alone, but that at no time did he deny Webb the advantage of counsel.¹⁹

The remainder of the prosecution's case hinged upon two tactics. It first hoped to show that the relation between Webb and head coach E.R. Sweetland had deteriorated sharply, as did also that between Webb and Professor Anderson. To that end district attorney J.A. Edge called a number of university administrators as witnesses. President Barker testified that Webb and Sweetland had at one time been close friends. In fact, Webb had convinced Barker to rehire Sweetland, calling him "the greatest coach living." He also testified that Webb had petitioned him to oust Anderson from the faculty athletic council because of the suspension of Jim Park.

Edge next called Anderson who noted that Sweetland had asked the athletic committee to retain Webb as assistant coach. He too stated that the relation between the men had at first been close. Yet he further testified that Sweetland had fired Webb late in the 1912 season. According to Anderson and Professor A.M. Miller, Sweetland had fired Webb after discovering that the assistant coach had taken the team on a tour of Knoxville's red-light district following the game with the University of Tennessee.²⁰ The court also heard from W.C. Wilson, a University of Kentucky student, who testified that he had overheard Webb threaten to "put holes in Sweetland" after the coach had fired him.²¹

Edge's second tactic involved testimony from several students who swore that they had seen Webb on the campus shortly before the fire alarm sounded. The most damaging testimony came from football team member Ellis Hayden. He stated under oath that Webb had come to his room between 9:00 p.m. and 11:00 p.m. on the night

19 "Webb is Held to Grand Jury Upon Perjury Charge," *Lexington Herald*, 4 January 1913, p. 1.

20 *Ibid.*, see also "Dick Webb on the Witness Stand in his Own Defense," *ibid.*, 5 January 1913, p. 1.

21 "Gerhardt Saw R.S. Webb at Campus on Night of Fire," *Ibid.*, 10 January 10, 1913, p. 1.

of the fire. When asked the purpose of his visit, Webb reportedly told Hayden that he was there "to raise a stink." His testimony was corroborated by roommate Floyd Galloway. On cross-examination, Breckinridge quizzed the students concerning when they had actually seen Webb. Despite their testimony to the contrary, the defense tried to establish that the students were mistaken as to the date. He referred to them as "deluded individuals who fancied themselves to have seen the defendant at incriminating times."²²

The defense team followed a two-fold plan of its own. First, it tried to supply an alibi for Webb. To that end it called several of his relatives, including his aunt, sister, and father who testified that Webb had been at home from 8:00 p.m. until the next morning.²³ Second, Webb took the stand and affirmed that he had been at home during the evening in question. He noted that Hayden and Galloway were mistaken about when he had visited them. According to Webb, the visit occurred the night before the fire. He also tried to blunt prosecution testimony by claiming that he was fired from the football team because of a lack of funds and that he had never petitioned Barker for Anderson's removal. Next, he tried to direct suspicion towards Sweetland, who, according to Webb, was mentally unstable.

Webb stated that he first learned of the fire at 7:30 a.m. the next morning when he visited Sweetland's home. Sweetland reportedly told Webb that Professor Anderson had set fire to his own office in order to destroy athletic eligibility records and win back student support and that he also hoped to blame Webb for the crime. In a statement to the press, President Barker stated that any allegations that Anderson had started the fire were slanderous and unjust. He pointed to Anderson's meritorious service to the university which spanned more than two decades.²⁴

22 Ibid.

23 Ibid.

24 Ibid., see also, "R.S. Webb Points Out Inaccuracy in Report," Ibid., 6 January 1913, p. 8.

The prosecution made great haste to attack Webb's allegations. It called several rebuttal witnesses to testify to Sweetland's state of mind. Barker first stated that he had never seen any examples of mental instability. He did note, however, that it was common knowledge that Sweetland had once suffered a severe concussion and disliked riding trains or climbing above the second floor in buildings as these actions brought on headaches.²⁵

Edge then recalled Professor Anderson who testified that, contrary to the three-month-old rumor, his office had not housed athletic records on the eve of the fire. Anderson stated that he had returned all such records as well as team funds to Sweetland long before the fire. On cross-examination, Breckinridge asked if he thought that Sweetland was crazy. The courtroom then exploded in objections and arguments. When order was restored, Anderson answered that Sweetland at times appeared nervous but not unstable. Professor Miller gave similar testimony.²⁶

The next day the prosecution gambled by calling Sweetland to the stand. He testified that he had never done anything that would make people think he was crazy. The thirty-eight-year-old coach stated that he did not drink alcohol and denied defense allegations that he had ever undergone brain or skull surgery. He did indicate that he appeared nervous at times, but that it was a common ailment in his profession.²⁷

Sweetland also stated that his friendship with Webb had begun to deteriorate when the two men jointly purchased some property near the campus. During Sweetland's absence, the house on the lot burned down, and Webb then sold the property for a handsome profit to the university which was planning to expand in that direction. Sweetland testified that it had been his intention to remodel the house and live in it—not to fleece the school. The two had argued over the sale of

25 *Ibid.*

26 *Ibid.*, see also, "Webb Trial is to be Resumed this Morning," *Ibid.*, 6 January 1913, p. 8.

27 "Webb's Trial Not Completed After All-Day Hearing," *Ibid.*, 7 January 1913, p. 1.

the property, the division of the seven-hundred-dollar insurance payment, and the nature of the fire, which Sweetland believed to be suspicious. Sweetland also described the events which led to his discharging Webb. Here he corroborated Anderson's testimony about the Knoxville red-light-district episode. On cross-examination the defense asked numerous questions concerning Sweetland's sanity, all of which were objected to by the prosecution and sustained by the judge.²⁸

The *Lexington Leader* described Sweetland's testimony as a disappointment for the defense attorneys. They had presumably wanted to "bring before the court a raving maniac, or a wild man." Instead, Sweetland appeared calm and contained during a very long examination. Instead of acting unstable, he appeared personable, charming, and in the words of Edge, "intensely human."²⁹

In its closing statement, the defense argued that the prosecution had not presented "a single syllable of evidence" against Webb. It had, Breckinridge claimed, failed in demonstrating that Webb could possibly have had a motive for the crime. Breckinridge believed that suspicion pointed to Sweetland. "I am not prepared to say," he told the court, "that Sweetland applied the match, but I do hold him responsible." As Breckinridge explained, Sweetland was a very influential person on campus. Yet not once did he use his influence to quell the tide of opposition to Anderson. Breckinridge reminded the judge that Barker had earlier testified that Sweetland was a great coach because of his ability to inspire the players. Barker stated that they would die for him on the field. Breckinridge then posed the question, if students would die for him, would they not also burn offices for him? Finally, Breckinridge told the court that he had tired of the prosecution's "sinister hints" that it had a mystery witness that

28 Ibid., see also, "Webb Hearing Carried Over Until Monday," *Lexington Leader*, 5 January 1913, p. 1. This is the only mention of the property, which must have been purchased during Webb's undergraduate days and sold sometime in 1911 or 1912.

29 "Sweetland on Stand All Day," ibid., 8 January 1913, p. 7.

saw Webb commit the crime. He challenged the district attorney either to produce the witness or apologize to the court.³⁰

Edge concluded his case by briefly restating the key prosecution points. He reminded the court that several witnesses placed Webb at the scene. He also reviewed Webb's growing animosity towards Sweetland and Anderson which he claimed provided a clear motive. Webb set the fire, Edge concluded, in order to discredit Anderson and Sweetland. Perhaps by doing so, Webb could regain his position as head coach. The prosecution won this first round; the judge ruled that probable cause existed to hold Webb on the charge of arson, and he referred the matter to the grand jury. The *Lexington Leader*, although more sympathetic towards Webb, indicated that Judge Dodd had been "eminently fair" during the proceedings.³¹

During the interval between the preliminary trial and the grand-jury indictment (January to April), the prosecution at long last located its mystery witness, probably by means of an anonymous tip from a football player. With the help of the police in Ohio (and a curious disregard for standard extradition policies), assistant fire marshal J.J. Peel arrested and brought former University of Kentucky student and Harrison County native, Thomas Butler, back to Lexington. Butler subsequently pleaded guilty to the campus arson, indicating in his confession that Webb had been his accomplice. His statement was very damaging and also strengthened that of Paul Gerhardt, the student who had previously testified that he had seen Webb and Butler together on campus shortly before the fire alarm sounded.³²

30 "Richard Webb is Held Over on the Charge of Burning," *Lexington Herald*, 11 January 1913, p. 1; "Webb Hearing on Arson Charge," *Lexington Leader*, 4 January 1913, p. 1.

31 "Richard Webb is Held Over on the Charge of Burning," *Lexington Herald*, 11 January 1913, p. 1; "Richard Webb Held Under Bail," *Lexington Leader*, 11 January 1913, p. 3; "Webb Indicted on Charge of Burning Anderson's Office," *Lexington Herald*, 15 January 1913, p. 1.

32 "Thomas H. Butler Arrested by Detective Peel at Youngstown," *ibid.*, 13 January 1913, p. 1.

Also during this time, the defense team began its campaign to discredit key prosecution witnesses. First, as reported on 14 January, Webb swore out a perjury warrant against Gerhardt. In a show of support for the students, President Barker personally posted Gerhardt's \$1,000 bond. Webb's action was to no avail, as Judge Dodd dismissed it to the applause of a packed courtroom. Two days later, Webb swore out another warrant alleging that on 25 November E.R. Sweetland had "used abusive language intended to provoke assault." Webb claimed that the coach had confronted him in a locked campus room and shouted obscenities and threats at him in the presence of five other football players. Webb did not call any of these people as witnesses, stating that he was not confident that they would tell the truth. Sweetland's attorney, however, had no such qualms, and thus the court heard from those witnesses who told a drastically different story. They testified that the meeting had been Webb's idea. Furthermore, they stated that Sweetland uttered no abusive language until Webb drew his revolver and threatened the coach. Webb's case quickly fell apart as the judge and many spectators could not see how Sweetland could menace the two-hundred-pound former all-star lineman brandishing a forty-five-caliber handgun. The judge dismissed the warrant, stating that in this instance "rude words were a mild defense against a forty-five." The packed court greeted this decision with a great deal of "cheers and hand-clapping."³³

The prosecution, as well as the university administrators, hoped for an early trial date so as to lay the matter to rest. They received their wish; to the chagrin of the defense the case was placed on the spring docket. It would be the last case tried in Lexington during that session. Such scheduling was highly unusual. Generally, defendants indicted during one court session did not go to trial until the next session. In the meantime, a few related events occurred. First, Webb

33 "Gerhardt Set Free of Perjury Charge by Justice Dodd," *Ibid.*, 14 January 1913, p. 1; "Hold Gerhardt for Perjury in Webb Hearing, Webb is Complaining Witness," *Lexington Leader*, 10 January 1913, p. 1; "Coach Sweetland is Dismissed by Justice C.H. Dodd," *Lexington Herald*, 16 January 1913, p. 1.

resigned his post as probation officer, indicating that he did not want any suspicion of wrongdoing to impair his ability to execute the duties of his office. Second, the athletic department announced that Coach Sweetland "could not be induced to stay." Although he announced that he had no immediate plans, Sweetland soon accepted the head coaching position at the University of West Virginia.³⁴

The April trial, although shorter than the earlier one, still caused a great interest in the city. The opposing counsels spent the better part of the first day issuing their opening statements to the jury. The prosecution told the jury that it would prove that Dick Webb had "entertained a resentment" toward Coach Sweetland and Professor Anderson. Accordingly, Webb set the fire in hopes of discrediting them. In turn, Webb hoped that Sweetland would resign in disgrace, leaving the head coaching position open for him. The prosecution informed the court that it intended to call several students who would testify that they had seen Webb on the campus either before or immediately after the fire. More critically, it would present eyewitness testimony from Webb's confessed accomplice. Finally, the prosecution indicated that it would introduce fingerprint evidence linking Webb to the scene of the crime.³⁵

After the grand-jury trial, the defense dropped its tactic of directing blame to Sweetland by depicting him as unstable. First, it noted that the defendant came from a prominent Lexington family of unimpeachable character. Several family members would, in the course of the trial, testify that Dick Webb had been at home during the night in question. Second, the defense pointed out, most of the prosecution's evidence was merely circumstantial in nature and thus unreliable. The defense also labeled the fingerprint evidence as unreliable. It told the jury that such evidence was experimental and

34 "Professor J.J. Tiggert New Director for State," *Lexington Herald*, 21 January 1913, p. 3; "Gerhardt Set Free of Perjury Charge by Justice Dodd," *ibid.*, 14 January 1913, p. 1; "Sweetland's Team Wins a Big Victory," *ibid.*, 28 November 1913, p. 11.

35 "Jury in Webb Case Chosen and Opening Statements Heard," *ibid.*, 29 April 1913, p. 1.

had never been admitted into evidence in a Fayette County court. Finally, the defense began its long campaign to discredit the testimony of Thomas Butler. Most of the evidence was circumstantial; Butler was the only eyewitness. Whom should they believe, the defense asked the jury, a respectable Lexington family or a confessed felon? At the end of the first day, the *Lexington Herald* reported that the prosecution had presented the stronger case; the combination of circumstantial, fingerprint, and eyewitness evidence would prove quite damning.³⁶

The next day, Lexingtonians packed the courtroom eager to hear the prosecution's star witness, Thomas Butler. Prosecuting attorney Chester Adams opened his case by first calling Professor Anderson in hopes of laying the foundation for the fingerprint evidence. Anderson testified that Webb had been in his office only once that fall, more than a month before the fire. Adams then called Arch Broaddus, the janitor for the Mechanical Building, to the stand. Broaddus stated that he cleaned Anderson's office every morning. He dusted all the items in the office, including the clock, daily. Therefore, the prosecution noted, any fingerprints found in the office or on items taken from the office must have been new.³⁷

Adams then called Butler as its next witness. Before he could begin his testimony, however, the defense moved to exclude some of the prosecution's evidence. The judge excused the jury and heard motions from both sides. In a preview of what would occur several times, the judge ruled in favor of the defense. The prosecution wanted to admit evidence linking Webb and Butler, but to no avail. The judge ruled that letters showing a long friendship between the two were irrelevant and inadmissible.³⁸

When the jury returned, Butler began his testimony. He stated that he and Webb walked to the Mechanical Building on the night of

36 Ibid.

37 "Thomas Butler Tells Story on Stand in the R.S. Webb Case," *ibid.*, 30 April 1913, p. 1.

38 Ibid.

30 October. Once there, he tore off the screens to the second-floor window and climbed into Anderson's office. He then threw to Webb (who remained outside) several items from the office. At that time, "nothing had been said about setting fire to the office." Webb and Butler next carried their plunder to the athletic field and other spots around campus.

Butler indicated that the pair made a second trip to Anderson's office, this time with a revised plan. According to his testimony, they decided to start a small fire that would attract a crowd of students. Webb climbed into the office and handed out several more items, including the clock, to Butler who hid them "in the old smokestack." Webb then set fire to the office. Butler testified that the two had discussed starting a fire in the wastepaper basket, but he admitted that he was outside when the fire began and did not actually see Webb strike the match. The two men then walked to the Agriculture Building and sat down on the steps to watch.³⁹

The defense did very little to attack Butler's confession. Webb's attorneys instead tried to cast doubts on his motives. Yet on cross-examination, Butler steadfastly denied that he had struck a deal for clemency in exchange for his testimony. Butler's testimony was indeed damning, according to the *Lexington Herald*.⁴⁰

Undaunted, the defense team scored several major victories close on the heels of Butler's testimony. In the absence of the jury, both sides discussed at length the admissibility of several key items of the prosecution's evidence. First, the opposing counsels debated the admissibility of the fingerprint evidence. The defense launched a withering attack on the prosecution's star fingerprint expert, Ray Campbell of the Indiana Reformatory. In testimony not heard by the jury, Campbell admitted that, "He knew practically nothing of the various authors and textbooks on the subject, except one publication

39 *Ibid.*

40 "Defense Scores on Two Points in the Case Against Webb," *ibid.*, 1 May 1913, p. 1.

by a Chicago detective concern." Upon a defense motion, the judge excluded the expert's testimony and all fingerprint evidence.⁴¹

The defense next questioned the admissibility of another of the prosecution's key exhibits. Prior to the arrest of Webb, the fire marshal and the police had questioned him at length. During this proceeding, he made some damaging statements which led to his arrest and trial. The defense moved that this evidence should be excluded because the defendant had been "brought before the inquisitorial body under a subpoena and not admonished that he was not required to answer any questions that might incriminate himself." Much to the bitter disappointment of the prosecution, the judge concurred.⁴²

The prosecution suffered another defeat when it tried to introduce into evidence an anonymous letter. The letter, written to Butler in jail, repeatedly urged him to renounce his confession and plead not guilty. The judge ruled the letter irrelevant and inadmissible. This third defeat angered the prosecution, and a heated argument broke out among the attorneys. It took the judge several minutes to restore order, at which time he cited both sides for contempt and fined them two dollars apiece for what he euphemistically termed "indulging in personal compliments" and delaying the trial.⁴³

With much of its key evidence excluded, the prosecution called its last witnesses. The court then heard from four students who testified that they had seen Webb on the college grounds the night of the fire. The *Lexington Herald* reported that the most damaging evidence came from Ellis Hayden, who restated his grand-jury testimony that Webb had come to his dorm room that night saying that "he was going to raise a stink." Two hours later, the fire alarm sounded. After this testimony, the prosecution rested and court adjourned for the day.⁴⁴

41 Ibid., see also, "Webb Hearing Carried Over Until Monday," *Lexington Leader*, 5 January 1913, p. 1. The credibility of fingerprint evidence varied from place to place. It was more accepted in larger cities. Lexington did not have its own expert in the field.

42 Ibid.

43 Ibid.

During the fourth day of the trial, the defense team made a strong attempt to establish an alibi for Webb. During the morning session, the jury listened as Webb's mother, father, sister, aunt, and "venerable grandfather" all confirmed that Webb had been at home the night of the fire from eight o'clock p.m. until the next morning and that he never at any time left the house. The defendant then took the stand for what many observers described as four hours of uneventful testimony. Webb stated that he never harbored any animosity toward Anderson or Sweetland nor did he ever sign a petition to have Anderson removed from the athletic board.

On cross-examination, the prosecution tried indirectly to get the anonymous letter admitted. Adams asked Webb if he had been "consulted about the letter written to Butler in jail." The defense quickly objected, and the judge again ruled the letter irrelevant and inadmissible. The prosecution then unexpectedly dismissed Webb and recalled his mother to the stand. Adams asked her directly if she had written the letter. To the dismay of the defense, she affirmed that she had. The judge then reversed his earlier rulings and allowed the prosecution to introduce the letter. The letter contained seventeen reasons why Butler should renounce his confession. After this witness, the defense rested, and the court adjourned.⁴⁵

Closing arguments on the trial's fifth and final day brought an end to "the most notable case on record in the Fayette Circuit Court."⁴⁶ Standing room in the court was at a premium, and the overflow crowd extended far out into the corridors. The defense argued that the prosecution had failed to prove that Webb had a motive for burning Anderson's office. It claimed that Adams had not proved that Webb wanted "to even up matters with Anderson" or "to cast suspicion on Sweetland and thereby get rid of him." The very idea that the

44 "Mrs. Webb's Letter Written to Butler Is Held Competent," *Lexington Herald*, 2 May 1913, p. 1.

45 *Ibid.*

46 The phrase here and in the article title comes from "Argument finished: Webb Case Will Go to the Jury Today, *Ibid.*, 3 May 1913, p. 1.

defendant hoped to replace Sweetland as head coach was ridiculous and vicious gossip.

The defense team focused most of its closing statement on the character of the prosecution's star witness. It described Butler as "a pitiable object, an outcast, a fugitive, a perjurer, and a self-confessed felon." Yet of all of Butler's crimes, his most serious offense was implicating the innocent Webb. The defense concluded its address by asking the jury whether they would believe the wayward Butler or "a man of good reputation and a family worthy of respect and belief."⁴⁷

In its closing statement, the prosecution tried to negate the strategy of the defense. Adams openly acknowledged the influence of the Webb family. He conceded that the high character of the family had indeed made the trial a painful duty for the prosecution, but, he quickly added, the enforcement of the law was paramount. He told the jury that it might well seem strange to see a young man from such a fine family on trial, but the evidence clearly confirmed his guilt. In conclusion, he stated that, "We have little trouble in convicting a Negro in this court, or a white man without influence." But his experience had taught him that, "When a man of influence has committed a crime, no matter how revolting, sentiment plays a prominent part." But in this case, the jury could not hide behind sentiment. It must decide the case fairly on the basis of the evidence.⁴⁸

The *Lexington Herald* reported that the prosecution had presented a powerful case and a brilliant summation.⁴⁹ The jury, however, did not seem to concur. It began its deliberations at 9:30 a.m. and at 10:15 a.m. returned a verdict of not guilty. The *Lexington Herald* expressed surprise at the verdict but offered no editorial comment. The University of Kentucky student newspaper also sidestepped the issue of Webb's guilt or innocence but expressed admiration for "the manhood of Butler" who made a complete

47 Ibid.

48 Ibid.

49 Ibid.

confession and paid the penalty for his rash act.⁵⁰ The *Lexington Leader*, on the other hand, took the opportunity to show support for one of Lexington's most notable Republican families. It reported that the verdict was a complete victory for the testimony of Webb's family. The paper printed a letter from Webb's grandfather in which he thanked his "many friends for their kind expressions of sympathy and cordial congratulations on the clearance of Richard S. Webb, Jr, my grandson, after the wearying trial of the past week."⁵¹

In the aftermath of the trial, there were clear winners and losers. Webb certainly emerged as the biggest winner, acquitted of a serious criminal offense. He returned to the bosom of his family, his future safeguarded by their prominence and his engineering degree. Ironically, Professor Anderson had earlier urged Webb to give up coaching and pursue an engineering career.⁵² Webb never made news again. The prison-bound Butler, sentenced to six years, of course was the biggest loser.⁵³ The Fayette County prosecutors also emerged from the case with their reputations tarnished. The office had lost a case which many observers believed to be open and shut. The only positive aspect of the trial for the prosecution was the enthusiastic reception of the new stenographic machine. Its first use came in the Webb trial, and the court clerks and other judicial participants reported how much faster and more accurate it was compared to the traditional shorthand method.⁵⁴

By and large, the university escaped any fallout. President Barker was more than happy to sweep the remains of this incident under the rug. While declining to comment "upon the merits of the acquittal,"

50 "Jury Acquits R.S. Webb of the Charge of House Burning," *ibid.*, 4 May 1913, p. 1; "Richard S. Webb Acquitted," *Idea*, 8 May 1913, p. 1.

51 "Richard S. Webb Declared Innocent of Houseburning," *Lexington Leader*, 3 May 1913, p. 1. The *Lexington Leader* consistently seemed more sympathetic to Webb.

52 "Webb Hearing Carried Over Until Monday," *ibid.*, 5 January 1913, p. 1.

53 "Testimony Begins in the Webb Trial," *ibid.*, 29 April 1913, p. 1.

54 "Dick Webb on the Witness Stand in his Own Defense," *Lexington Herald*, 5 January 1913, p. 1; "Unusual Feature of the Webb Trial," *Lexington Leader*, 6 January 1913, p. 9.

he finally affirmed that the trouble grew out of a disagreement between the head football coach and his assistant. He tried to solace the trustees with the knowledge that both Webb and Sweetland had severed all ties with the university. Additionally, he noted that the trial had clearly demonstrated that the students had nothing whatsoever to do with the crime.

As perhaps only he would, Barker tried to put a positive spin on the matter. He told the board that the incident offered proof of the high moral fiber and loyalty of the students. He believed that the students had actually benefitted from the occurrence. According to Barker, they had been sobered by the unjust suspicion that they were participants in the crime. Finally, he thought that the unfortunate matter had generated "a better college spirit than we had before."⁵⁵

The University of Kentucky athletic department not only had to hope that its supporters believed Barker's rosy assessment that everything was "behind us now," it also had to replace personnel.⁵⁶ It accomplished part of that task with an internal transfer. Professor J.J. Tiggert, chair of philosophy, filled the vacant athletic director's spot. Tiggert had been a four-sport star at Vanderbilt, where he had been captain of the football and basketball teams. He was a unanimous choice as an All-Southern running back and also won acclaim at Oxford University for his rowing.

After graduating from Oxford, Tiggert taught philosophy and coached football at Central College in Missouri. In 1908, he left Missouri and became president of Kentucky Wesleyan College. Two years later he moved to the University of Kentucky. Over the next few years, he not only served as the athletic director, but at various times he also coached the running backs, the freshmen football team, as well as men's and women's basketball.⁵⁷ Barker's forbearance saved the athletic program from immediate sanction while the football team's continued success (it won seventy percent of its games during

55 University of Kentucky Board of Trustees Minutes, 4 June 1913, pp. 104-105.

56 *Ibid.*

57 "Director of Athletics," *Kentuckian* (1913), 154.

Barker's administration) restored the faith of many supporters of the university. The next fall the school gained readmission to the SIAA and also chose to rejoin the KIAA. The athletic department also filed a successful appeal with the SIAA to reinstate the eligibility of quarterback Jim Park. In 1914, Park set an enduring team record, passing for five touchdowns and running for five more against Earlham College. He left the Bluegrass the next spring for professional baseball.⁵⁸ Over the next several years, the SIAA expanded a great deal and by 1921 had nearly forty member schools from Virginia to Texas. At that time, fifteen of the conference's largest schools (including the University of Kentucky) withdrew, forming the Southern Intercollegiate Conference. Ten years later, that league had also grown too large and split into the Southeastern Conference and the Atlantic Coast Conference.⁵⁹

The university sports program, no stranger to scrapes with the administration in its early years, escaped from this incident without any official sanctions. Tiggert's scholarly image and scrupulously clean background did much to save the university's sports program. In addition, President Barker, an enthusiastic sports fan himself, was not the strict disciplinarian which his predecessor had been. Indeed, Barker (then a trustee) had opposed Patterson's numerous attempts to ban all university sports.⁶⁰ Barker did not believe that the administration should interfere with college athletics, and so during his brief service as president (1911-1917) he provided a safe haven for the still-developing program.⁶¹

58 "Cats Win With Bewildering Passes," *Lexington Herald*, 25 October 1914, p. 1.

59 "Fifteen Members in New Conference," *ibid.*, 28 February 1921, p. 6; "Strict Rules Made in New Conference," *ibid.*, 1 March 1921, p. 4; "Varsity Basketball," *Kernel* (1933), 166; Gregory Kent Stanley, *Before Big Blue: Sports at the University of Kentucky, 1880-1940* (Lexington: University Press of Kentucky, 1996), 131.

60 Gregory Kent Stanley, "Not Conducive to the Best Interests of this Institution": President James Kennedy Patterson, the Board of Trustees, and University of Kentucky Athletics, 1890-1910," *Filson Club History Quarterly* 69 (1995): 159-70.

61 Stanley, *Before Big Blue*, 76-77.