

A CHIVALROUS MURDERER

NEAR THE END OF THE TRIAL OF COL. BUFORD.

THE ARGUMENTS NEARLY FINISHED—THE CASE PROBABLY TO REACH THE JURY ON TUESDAY—BUFORD'S CRIME—REMARKABLE EVIDENCE AS TO INSANITY.

LOUISVILLE, Ky., July 19.—In the Buford trial to-day, at Owenton, the closing arguments were resumed. Col. Philip Thompson opened this morning in behalf of the prisoner, and occupied the morning session with his address. At the afternoon session, Gen. Rodman began the argument for the prosecution. The impression appeared to prevail among many who have closely watched the proceeding from the beginning of the trial, that Col. Buford will not be found guilty of murder in the first degree. The trial began on July 10, and it was at first supposed that the case would be given to the jury yesterday. The arguments were begun on Thursday, and were not concluded to-night. It is now thought that the case will hardly reach the jury before Tuesday.

The trial which has been thus ended will take a prominent place in the history of criminal jurisprudence in Kentucky, not simply on account of the social positions of the prisoner and his victim, and the more than dramatic circumstances attending the killing of Judge Elliott, but also because, in the progress of the trial, the insanity plea in behalf of murderers has been carried to what may be deemed its extreme limit. The counsel, both for the Commonwealth and for Col. Buford, were of the highest reputation as criminal lawyers, and the Court-house at Owenton never before witnessed such a gathering of brilliant legal lights. The State was represented by Capt. Warren Montfort, the Commonwealth's Attorney for this district; Col. W. C. P. Breckinridge, of Lexington; ex-Attorney-General John Rodman, of Frankfort; J. M. Perry, J. M. Lillard, J. C. Strother, and J. J. Orr, of Owenton. To meet this formidable array, the friends of Col. Buford engaged George M. Curtis, ex-Judge of the Marine Court of New-York, whose particular specialty is the elaboration of the insanity theory in trials for murder; Col. P. B. Thompson, of Harrodsburg; the Hon. J. A. Prale, of Lexington, and H. P. Montgomery, of Owenton. The jury was a model one, according to the latter day notion of model jurors. The jurors ranged in age from 30 to 45 years, were plain farmers, and men who can, but, as a general rule, do not, read the newspapers. If ever a man went before a jury of his peers to plead for a life which he had presumably forfeited to the law, with a fair show for justice, that man is Col. Thomas Buford. The story of his crime, as elicited from the witnesses for the State, is a most dramatic one, and well worth perusal.

Col. Buford is one of the men who, in ante-war times, would have been considered one of the "Chivalry," and who, since the war, has continued to exercise his chivalrous propensities at odd times, until his exploits culminated in the killing of Judge John M. Elliott, of the Supreme Bench and Court of Appeals of this State. Twice before his opponents in quarrels which he has forced upon them have narrowly escaped assassination at his hands, and in one of these instances his intended victim was his own brother. Henry Buford, in 1857, attempted to sell his interest in an estate held jointly by himself and Thomas, and which had been bequeathed to them by their father. Thomas promptly sent word to the gentleman who wished to purchase, R. H. Alexander, the famous breeder of Woodford County, that he would kill him if he bought. It is to be presumed that Alexander knew the nature of the man with whom he had to deal, for he did not buy. Several days afterward, Col. Buford met his brother in the streets of Versailles. Words passed and Thomas drew his pistol. Henry was armed, but he quietly folded his arms and looked his brother square in the face. The man who killed Judge Elliott deliberately fired three shots at his unresisting brother before the bystanders interfered. Fortunately Henry was unharmed, but Col. Buford was not arrested, and, strange to say, none of his friends at that time called his sanity in question. This happened before the war, however, when such acts of chivalry were more common in Kentucky than they are now. Two or three months after, George Thomas, a friend of Henry, made some reference to this occurrence. The next day he and the "Colonel" met at the county fair. Thousands of people thronged the grounds, but the two men drew their pistols on sight and began firing. They emptied their revolvers, and unfortunately neither was hurt. A colored woman in the crowd, however, was shot in the mouth. Colored people did not count for much in those days in Kentucky, and neither of the men was arrested. Gen. Abe Buford, who at the present trial swore that his brother was insane from his birth, took part in this fight, assaulting a friend of George Thomas with a bowie-knife. At that time it is to be presumed that he had not discovered his brother's insanity.

The facts of the murder of Judge Elliott as brought out in the trial may be briefly recapitulated. In 1861 Col. Buford—he was plain Thomas then—removed to Henry County, where his maiden sister Mary had bought a farm of 400 acres. The farm was purchased of a Mr. Guthrie, and Mary had agreed to pay for it \$32,500. Of this amount she paid \$10,000 cash down, and gave three notes for the remainder, one of \$10,000 and two of \$6,250 each, giving a mortgage on the farm as security to Mr. Guthrie. The first note was paid on maturity, but the two others went to protest. In 1871 Mr. Guthrie brought suit to foreclose the mortgage. The answer set up by Mary, through her brother, Col. Buford, was that the title to the farm was defective, and she asked that the title be perfected or the sale annulled. Judgment was given to the plaintiff, but when the case was carried to the Court of Appeals, this decision was reversed on a technical point. Another suit was brought, and again Guthrie won. On the strength of this second judgment the land was sold, and bought by Guthrie for \$12,500. The effect of this was that Mary Buford was \$20,000 out of pocket, that being the amount she had already paid, and Mr. Guthrie had his farm back again. The case was again carried to the Court of Appeals, and this time the judgment of the lower court was affirmed. This was about a year ago, Judge Elliott, the murdered man, having rendered the decision. In the meantime, Mary Buford had died, leaving her property to a niece, and naming her brother, Col. Buford, as Executor of her will. The Sheriff attempted to execute the judgment and take possession of the farm, but when he reached the house he found that Col. Buford had transformed it into a garrison, and shot-guns were pointed from every window. A siege of three days followed, at the end of which time Buford's lawyers had succeeded in having the case reopened in the Court of Appeals, and the Sheriff withdrew, leaving the Colonel master of the situation. On Saturday, March 22, of this year, the case was finally decided, again in favor of Guthrie, Judge Cofer this time pronouncing the opinion.

During all this litigation, and especially since the death of his sister, who, he claimed, had been assassinated by the Judges and lawyers, Col. Buford had been making threats against the Judges of the Court of Appeals, unless the decision should prove to be in his favor. He was boarding at the Capital Hotel, at Main and Ann streets, at Frankfort, where the court was holding its sessions. In the same hotel resided two of the Judges, Elliott and Hines. Buford was accustomed to stand on the porch behind the rooms of these gentlemen, and vent his spleen at the court. To his own lawyers he was not more courteous. He accused them of being in league with Guthrie and the court to cheat him out of his rights. A few days before the final decision was made, he said to L. D. Holloway, a boarder in the house, "I must either have money or blood! If this case goes against me this time, the shooting will begin, and I tell you it will be awful. The lower courts won't do me justice, and if the Court of Appeals don't, h— will be to pay. You can look out for some fine sport, my boy." He was, in short, continually talking of his suit, and continually making threats of what he would do if it was decided against him.

The decision was rendered on a Saturday, and on the following Monday, as Col. Buford coolly expressed it after his arrest, "I loaded my gun, slung on my game-bag, and started out to hunt Pryor, [one of the Judges.] Had I found him, I should have shot him. I did not see him, and that saved him. I remembered

that he had a family of little children, and I determined to spare him." Having come to this conclusion, he turned his attention to the other Judges. On Wednesday, March 26, he went to the house of Judge Coffee, but failing to get that gentleman from his breakfast, started to hunt up more Judges. At 1 o'clock, after the adjournment of the court, Judges Elliott and Hines went to the Capital Hotel. They observed Buford with a double-barreled gun in his hands, standing on the steps. Judge Hines turned to cross the street, and Judge Elliott said to Buford, in a pleasant tone, "What are you doing with that gun?" "I'm going snipe-hunting," was the answer; "won't you go?" The response of Judge Elliott was not heard, but Buford next said, "Won't you come and drink with me?" Just then the report of a gun was heard, and turning quickly around, Judge Hines saw his associate fall. He hurried back and supported his head, but Judge Elliott only gasped once and was dead. A charge of 12 buck-shot had entered his body in the region of the heart. Buford stood quietly by and gazed at his work. Judge Hines exclaimed, "My God, you've killed him!" "Yes," was the calm rejoinder of Buford, "I'm very sorry, but I had to do it." He made no attempt to escape, and when Officer Long reached the scene, handed to him the gun and a letter, and went to prison peaceably. As he left the spot he turned to the prostrate body, and waving his hand toward it, said "Die easy." The letter was simply a request, written in a scrawling hand, to be buried by the side of his sister, and a direction that whatever property he had should be given to his niece, Mrs. Wallace.

When the prison was reached Buford was searched, and a revolver, with all the chambers filled, was found in his pocket. He said to the jailer that he had taken the pistol for fear the gun might not do its work. "But," said he, "she went as clear as a bell." He asked for his gun, and after the loaded barrel had been emptied it was given to him for a moment. He took it tenderly in his hands, kissed it, and said, speaking to it, "I've had a good deal of sport with you, but I reckon this will be the last. You have brought down noble game to-day." When Justice Sneed visited him later in the afternoon, he said to him, "Sneed, is Judge Elliott dead?" "Yes," answered the Justice. "By ——" was the response, "I thought he couldn't get away with that load. Sneed, I made up my mind to it. I swore on my sister's grave to gain her suit or die with her. I am ready to submit to the law now." To Major Stanton, who afterward called on him in the jail, he said that he had meant to kill at least two of the Judges, but he did not say who the other one was. He had nothing against Judge Elliott, except that he had given him a Judas kiss. He had come to him from the court-room, after the decision had been rendered and said to him, "Colonel, I did the best I could for you." "This," said Buford, "I knew to be a lie. He had given the original decision against me; he concurred in this one, and though he did not pronounce it, I had means of knowing that he was the moving spirit and engineer of it all through." He made substantially the same statements to a score of witnesses, all of whom swore to them during the trial.

This is in substance the story of the murder of Judge Elliott, as developed at the trial during the past week. It was a singular fact that in only one or two instances were the witnesses subjected to any cross examination by the counsel for the defense, who accepted all statements made by the prosecution as perfectly true. Col. Buford himself sat perfectly unmoved during the trial. There was no braggadocio or defiance in his bearing. He was simply, to all appearances, utterly indifferent as to the outcome. This bearing he has maintained ever since the shooting. In jail he has been pleasant and agreeable to all with whom he came in contact, but he has not smiled once since he killed Judge Elliott. There is only one subject which seems to have power to move him in the least, and that is his dead sister. However brutal the nature of the man may be—and his brutality is established beyond a doubt—there is no question that his love for Mary was deep and sincere. Whenever her name has been mentioned since his arrest he has been strangely moved, and several times has given way to his emotion in floods of tears. Every time that she has been spoken of on the trial he has bowed his head on his bosom as though in reverence to his idol. He held no consultations with his counsel during the trial, and altogether acted like a man who had no interest whatever in the drama of which he was the central figure.

As was anticipated, the defense has been one of insanity wholly. The fact of the killing of Judge Elliott by the prisoner was not disputed. No attempt was made to mitigate the offense by enlarging upon the wrongs to which Buford claimed that he had been subjected, but 45 witnesses were sworn to prove that the man has been insane from his youth. Some of the evidence adduced to prove his insanity will strike the average reader as peculiar, and it is doubtful, if the theories advanced in this trial were established as sound doctrine, whether there is a murderer in the wide world who might not in the future plead insanity successfully as an excuse for his crime. Judge, jury, spectators, and lawyers connected with this trial were, if the theories advanced by the defense are good, all insane, for all certainly possessed some of the characteristics which, in Col. Buford, were urged as proofs of his insanity. A person listening to the evidence in the case might well have exclaimed with Dr. Astley, that "God is the only perfectly sane being in existence."

The mother and father of Col. Buford were cousins, and this fact, it was said by several experts on the insanity question, would tend to curse their children with lunacy. An aunt, sister, and brother of the prisoner were crazy, and two sisters of his father died lunatics. With regard to the brother, Sinclair Buford, the force of the testimony was sadly weakened when it was shown on cross-examination that his peculiar form of insanity displayed itself in shooting negroes. He was tried for this crime, and acquitted on the ground of insanity. Then he was tried for insanity, with a view to confining him in an asylum, and declared sane by the jury. Gen. Abe Buford was sure that his brother was crazy, because he had often insisted that he was a better horse-man than himself. On many subjects he was intelligent enough, but on the horse question and the Guthrie suit, which led to the murder, he was certainly crazy. Dr. C. J. Renfro was confident that Buford was insane, because, five or six years ago, he had made the astounding assertion that "several men had been killed by doctors, and that he thought the medical profession was of no benefit to the world at large." Dr. T. F. Berry was sure that the prisoner was crazy, because he had on one occasion "beaten up pretty badly" a man named Ulysses Turner, who had won a lawsuit against him. He was also in the habit of riding about, gesticulating and swearing, and was afflicted with sleeplessness at night. The Doctor thought him insane on the question of property, and especially on the Guthrie suit. When L. T. Maddox slept with Buford on one occasion, in 1872, he lay down and chewed tobacco—not a very uncommon habit, by the way, in the South—and, therefore, Mr. Maddox believed him insane. Joseph T. Meyers thought Buford "a dangerous man, unless given his own way," which was a clear evidence of insanity. The Rev. Gilbert Gordon thought that Buford showed evidence of insanity, because, if provoked, he was intolerent, and the Rev. R. H. Gale had "always been distantly courteous to the Colonel, because he thought him a dangerous man." This is a fair sample of the kind of testimony which was relied upon by the defense to prove that the prisoner was not responsible for the murder of Judge Elliott. It is a noteworthy fact that each and all of these witnesses voted for this insane man when he ran for the Legislature in 1877, a fact which was wrong from them on cross-examination.