Louisville June 7th 1828

Dear Sir

The case of Randall W. Smith has been determined, and I supposd a petition will be presented for his pardon I can not sign the petition or remonstrate against it, but I supposs that I ought in duty to you to give a statement of the Evidence, that you may be the better able to Judge, It was proved that Smith on the Evening before the act was comitted and before he went to Christophers had been drinking and sent for more whiskey, saying he would get drunk and regulate Christophers family he crossed the river & went to Christophers on the evening of the 21st sept. 1826. he and Brown sat down to supper with Christophers family, he then complained that C's family had not visited him, he was insulted, that if he had a fine a carriage as Brown or Sewell he would be visited, B. said "I do not why my name should be brought in I have always treated you well" S. answered "I hate you and have hated you for nine weeks" a quarrell ensued B. several times got out of his way but was followed & abused by S. Bat

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last raised his fist and said "if you do not hush I'll knock you forty feet" S then said "I am not now prepared for you but will be near him" and started off. he then went to Moors and asked for a gun or pistol, to kill Brown he said he would kill B. before he (S.) slept," upon studying a little he said "no, I'll kill him at breakfast I'll then know where to find him" he failed in geting weapons he then went to several other houses asking for guns and pistols declaring he wanted them to kill Brown, he failed however but went home and got a pistol and returned to Hollis's about 3/4 of an hour before day on the 22nd and went to sleep, he waked about 1/2 an hour by sun, eat something & washed & then loaded the pistol, & when he was advised to make friends with B. he said "I have had it in my heart to kill him & I'll be damned if I don't do it", he went to Christophers (his father in law.) he found B. with the family at Breakfast, he was asked to eat, but he said "no but I will sit down and know of B. what

I did which made him raise his fist to strike me" B. said he would Tell him after Breakfast, the witness Stated that S. looked a little unnatural when he came in, and that B. changed color, S. laid his stick on the table and went into another room after Breakfast Brown picked up the stick and started into the other room Mrs B. urged him to put it down & not go, telling him S. had a pistol in his pocket he put it down, presently B. took the stick and said he would know of S. what he brought it for, but B. took it out of his hand saying he could fight his own battles and then went into the room where S. was, & immediately the sound of a stick was heard, and S. seen pushing B. back towards the bed, B. ran in and pushed S. out at the door and some distance from the house, and B. followed, and immediately the pistol fired, B. was seen a moment afterwards pass the window with the stick in his hand, presently afterwards B. came in wounded with five balls and died of his wounds that night Brown's dying declarations were

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given in evidence, he states that he took the stick for the purpose of beating S. but that when he entered the room Smith sprang at him, and that he was not able to strike him, that S. pushed him back on the bed and he was pulled off by B. and dragged out of the house to the distance of 15 or 20 yards, that when he B. got out for fear of looking hostile he threw down the stick, and instantly S. started away from B. and shot, he then picked up the stick & attempted to overtake him but could not, S then escaped and went to Hollis's where he got a horse, and rode to the mouth of Salt River, when he got there he had a cut on the head an inch and a half long & several bruises on his arm and shoulder, he came in the evening of the same day the bank of the river opposite to B.s and hallood over if if his wife was there, his brother crossed the River to him and when he got to the shore there was some conversation took place, which could

not be heard, but, he was heard to say "God damn him I hope he'll die" and shortly after departed, he was somewhat intoxicated during the evening & night of the 21st but was sober when he left Hollis, with the loaded pistol he was proved to be a man of high temper, but an honest dealer, and generous in his intercourse with men, he killed his father in law, at the same shoot, This I believe was the whole of the evidence,

I remain Respectfully
your obt. servt.
J. W. Semple

To his Excellency
Joseph Desha
Frankfort
Ky

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Simple Atty

Randal W Smiths

case. I evidence

1828

Hon His Excellency Joseph Dalka

Frankfort

Ky

Georgetown June 12th 1828

Dear Sir,

I find that I was mistaken in supposing the Indictment against Strond and Thomson had been dismissed; and owing to the fact that one fourth of the fine will go to Cowan the Comth Attorney if it is recovered, I fear they never will be dismissed unless by the interference of your excellency. I intended to write to them to come forward and confess Judgment but that course would insure to Cowan $125 which der the law I am apprehensive you could not remit.

All they now ask of you is to remit their Judgment obtained against them on the recognizance bond and under the peculiar circumstances attending the transaction I still flatter myself that you will comply with their wishes - If a Judgment were obtained and the fine inflicted, a part at least would not be within your control - This alone prevents a Judgment - It is most earnestly desired by your friends here that you should remit the Judgments now obtained and allow me to add that a general sentiment prevails in favor of your doing so - Please let me hear from you -

most sincerely your friend

Robt. J. Ward

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Geo: Town, Ky. Paid 6.

June 14

1828

Hi Excel.y Joseph Desha

Frankfort

R. I. Ward in behalf of
Ward and Thomas