

## William J. Kendall ( - 21 Aug 1845)

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*The National Intelligencer, August 19, 1845*

### **Fatal and Distressing Event**

We record with painful regret a most tragic occurrence that took place last evening, about six o'clock, on Pennsylvania avenue, near Fuller's Hotel; when, on account of some misunderstanding between Rufus Elliott, a brother-in-law of Mr. John C. Rives, William Z. Kendall, a son of Mr. Amos Kendall, and Josiah R. Bailey, the party first named shot Mr. Kendall dead on the spot and severely shattered the left arm of Mr. Bailey, by two discharges from one of Colt's revolving pistols. Mr. E. then made his escape, and had not been arrested at nine o'clock. There are so many contradictory stories in circulation respecting the circumstances of this melancholy affair that we purposely refrain from giving any of the reports that have reached us in regard to it.

*The National Intelligencer, Aug. 20, 1845*

### **Wm. Rufus Elliott's Arrest--Proceedings before the Examining Justices**

We learn that Wm. Rufus Elliott was arrested about ten o'clock last Monday night, on a warrant issued by Justice Morsell, charging him with causing the death of William Z. Kendall, by shooting him with a pistol on Pennsylvania Avenue. It appeared that Mr. Elliott, after firing the pistol at Mr. Kendall and wounding Mr. Baily, went in a hack to the house of George Parker, Esq., on C street, where he was surrendered under the advice of his friends. It was decided by Justices Morsell and Goddard, who were in attendance at Mr. Parker's, (where Gen. Jones also attended as counsel for Mr. Elliott,) to commit the accused for further examination. Yesterday he was brought into the Court House, in custody of the Marshal, when, the Justices appearing on the bench, at about 12 o'clock an investigation of the circumstances of this tragic affair took place, in one of the most crowded court rooms we ever witnessed.

The prisoner was defended by General Jones and P.R. Fendall, Esq., and took his seat by the side of his counsel. James Hoban, Esq., District Attorney, and H.H. Dent, Esq. appeared on behalf of the United States. Nearly twenty witnesses were examined in the course of the day.

The examination of witnesses was in progress at half past five o'clock, when the Court adjourned until this morning at eleven o'clock. The accused appeared dejected during the whole of the investigation, and his eye was bruised and discolored by the blow he had received from Mr. Bailey in the course of the day, before the fatal reencounter took place.

It was arranged that the deposition, Mr. Baily should be taken by the examining justices in the presence of one counsel for each party.

At the close of yesterday's investigation the prisoner was reconducted to prison in custody of the Marshal.

*The National Intelligencer, August 22, 1845*

The funeral of the unfortunate Mr. Kendall took place at ten o'clock yesterday. The corpse was deposited in the Congress Burial Ground. It was attended to the grave by the afflicted relatives of the deceased, (amongst whom was the father of Mr. Kendall, who reached this city from New York at two o'clock a.m.) and by a numerous body of sympathizing friends and citizens.

*The National Intelligencer, August 22, 1845*

**United States vs. Wm. Rufus Elliott**

The investigation of this very exciting case was resumed yesterday morning at 11 o'clock, in the Court House, before Justices Morsell and Goddard. The deposition of Mr. Baily, which had been taken previous to the opening of the Court, was submitted by the Justices to the counsel employed for and against the prisoner, but not read audibly from the bench—so that neither the reporters nor the public could judge of its bearing on the case. A few additional witnesses were examined yesterday, but their testimony did not appear to be important.

Soon after 12 o'clock, the testimony being closed, Mr. Dent arose and said that the remarks he now asked permission to make would, he trusted and believed, be unexceptionable both to the Justices and his learned friends for the defense.

On Tuesday, the 19th instant, immediately on his arrival from the country to this city, he received a message from the family of the Hon. Amos Kendall, requesting him, in the absence of Mr. Kendall, to take such a part in this investigation then about to commence in this Hall, as he (Mr. D.) might deem advisable. After the brief reflection allowed him, he concluded that the family and friends of Wm. Zebedee Kendall were interested at least in the proper development of the evidence in the case, with reference to his fair fame, which was all that was left of him for them to cherish. He accordingly determined to take the humble part he had taken in the melancholy affair. The heart-stricken father of the guileless, generous, and talented youth, who had so suddenly fallen in the arms of death, and over whom the grave had this morning closed, arrived in this city today from New York, and had approved his motives and his course of conduct; and both he and Mr. D. will be governed hereafter by the rules and motives above alluded to. Mr. K. desires that the unfortunate youth now at the bar of public justice may receive all the tenderness and all the forgiveness consisted with the law of this country, and entertains no feelings against him which can ever lead to his injury.

Indeed, one of Mr. Kendall's earliest remarks to him (Mr. D.) was, that he deemed the position of young Elliott as even more unfortunate than that of his deceased son.

Mr. Hoban then rose, and, in an able argument, contended that the case *prima facie* was one of willful deliberate murder in law, and that the Justice therefore could not take bail.

Gen. Jones, in reply contended ably that the case was one of necessary self-defense. The case was adjourned at 5 ½ o'clock till 10 o'clock this morning, when Gen. Jones will proceed with his argument.

*The National Intelligencer, August 23, 1845*

**United States vs. Wm. Rufus Elliot**

The Justices Morsell and Goddard took their seats on the bench yesterday soon after ten o'clock, when the address of General Jones, counsel of the accused, was continued and concluded. He was followed on the same side by Philip R. Fendall, who addressed the Justices for two hours and a half with great ability. Mr. Hoban, the District Attorney, then made his concluding address, in which he ably reviewed the testimony and defended the witnesses for the prosecution. He concluded his powerful address to the Justices about half-past six o'clock. The Justices made no decision in this important and exciting case last night, but intimated their intention of giving their decision today, at twelve o'clock.

*The National Intelligencer, August 25, 1845*

**United States vs. W. Rufus Elliott**

Justices Morsell and Goddard decided on Saturday last at noon, in this very exciting case, that the prisoner could not be admitted to bail on the serious charge preferred against him of causing the death of William Zebedee Kendall, and the prisoner was thereupon fully committed for trial at the December

term of the Criminal Court. The Justices also decided that the prisoner should be required to give bail in the sum of three thousand dollars for his appearance at the same court to answer to the charge of assaulting with intent to kill Josiah R. Bailey.

*The National Intelligencer, December 15, 1845*

**United States vs. W.R. Elliott**

The Grand Jury of this county, charged at the present term to inquire into all offences against the peace and government of the United States, on the 10th instant returned the following presentment: "The jurors of the United States for the county aforesaid do upon their oaths present Wm. R. Elliott for causing the death of W.Z. Kendall, by shooting him with a pistol in self-defense, when he was attacked by and was retreating from the said Kendall on or about the 23d day of August, 1845."

The defendant has been confined in the jail of the county since the commission of the homicide--viz., from the 23d of August last—and now, this 13th day of December, 1845, a motion is made by his counsel, P.R. Fendall and Walter Jones, Esquires, for his discharge, on the ground that this presentment is equivalent to the finding of "not found," "not a true bill," on an indictment for murder or manslaughter.

(In a long discussion of the merits of the motions, the Justices concurred, and Wm. Elliott was released.)