

A BRIEF SKETCH OF THE LIFE
OF
HON. MARVIN H. BOVEE.

Hon. Marvin H. Bovee was born in Amsterdam, Montgomery county, N. Y., January 5th, 1827, being now in his 61st year. He received an academic education in his native town and when about entering Union college at Schenectady, N. Y., his father and family moved to the then territory of Wisconsin in 1843, settling at Eagle, Waukesha Co., where he resided till 1868. Mr. Bovee, then sixteen years of age, experienced in common with all early settlers, the pains and pleasures of pioneer life, which in those days included living in log houses, driving oxen, breaking up land, splitting rails, drawing wheat thirty miles to market over bad roads and through all kinds of weather. To these experiences Mr. Bovee added that of school teacher, for four winters, Dr. James Parsons of our city being one of his scholars. In 1852, Mr. Bovee was elected chairman of the town Board of Supervisors, and later on, Supervisor at large for the county, the county board on assembling electing him chairman.

At the age of 25 years, Mr. Bovee was elected senator for Waukesha. Co., and in January 1853, took his seat in the state Senate, Judge Wakeley, of this place, but now of Omaha, representing Walworth county in that body at the same time. In the early part of this session Mr. Bovee introduced a joint resolution declaring in favor of the freedom of the public lands to actual settlers, and instructing our senators and requesting our representatives to support the Homestead bill then pending in Congress. The resolution passed both Houses by a large majority and was forwarded to Congress. A few days later Mr. Bovee prepared a bill abolishing capital punishment. This bill he had introduced in the house by Hon. Edward Lees, the member from Mr. Bovee's assembly district, and gave to the measure his constant support until its passage was assured in the House. When reported to the Senate, Mr. Bovee moved its reference to a select committee of the Senate, of which he was made chairman. In a few days his committee reported back the bill recommending its passage, Senator Alva Stewart, now judge of the Columbia county circuit, alone dissenting. From this time on Mr. Bovee gave the measure his constant and unwavering support until the passage of the bill was assured, and its approval by Gov. Farwell secured. The *New York Tribune*, in alluding to the matter, said: "Much credit for the consummation of this measure is due to Senator Bovee of the Tenth senate district, who labored indefatigably for the passage of the bill in the Assembly, and who pioneered its march through the Senate,"

In the winter of 1858-9 Mr. Bovee made a public canvass of the state of Illinois, and by his persistent efforts secured the (???) In the winter of 18??, Mr. Bovee made a public canvass of the state of New York, having in view the total abolition of the death penalty. In

this movement he was sustained by Horace Greeley of the New York *Tribune*, Wm. C. Bryant of the Evening *Post*, Rev. Dr. Bellows, Henry Ward Beecher, Gerrit Smith, and other prominent men of that state. He was strenuously opposed by Bennett of the New York *Herald*, Raymond of the *Times*, and Brooks of the *Express*. During this protracted canvass, which lasted nearly five months, Mr. Bovee delivered one hundred and two public addresses, the last one before the select committee of the New York Assembly on this question, the house being packed to hear the argument. The committee unanimously repealed a bill abolishing capital punishment, which passed the House by eighteen majority. The success of the movement was so pronounced that the Senate tendered a compromise bill which was accepted by the Assembly and became a law. This law consigned the murderer to state prison for one year, after which the criminal might be executed should the governor see fit to issue a warrant, it being left optional whether he would or would not exercise that power; and as no governor would assume that responsibility so long as the criminal was well behaved, such law was regarded as a virtual abolition. A Mrs. Hartung, of Albany, was under sentence of death for the murder of her husband. Mr. Bovee, with the co-operation of other friends, induced Gov. Morgan to grant a respite at the time the bill was pending. After the new law went into effect, she was brought into court and sentenced to imprisonment for one year, after which death, should the governor issue the warrant. W. J. Hadley, her counsel, prepared a stay of proceedings and carried the case to the Supreme court, demanding a release of the prisoner on the ground that the crime with which she was charged was committed under the old law, which prescribed the penalty of death; whereas the new law imposed an additional penalty of one year's imprisonment. The court sustained the position of Mr. Hadley and Mrs. Hartung escaped entirely. This canvass attracted the attention of the press of the whole country and was regarded as a virtual abolition of the death penalty, which proved to be the case, for no person was executed under the law while it remained in force. Two years after its enactment, it was superseded by a law making two degrees of murder, the one punishable by death, the other by imprisonment for life, the jury determining of which degree the criminal was guilty, and this law has remained in force until the present time, but few persons being executed under it. In December 1860, Gov. Andrew, of Massachusetts, extended to Mr. Bovee an invitation to make a canvass of that state in behalf of the repeal of the death penalty. Mr. Bovee accepted the invitation, on condition that Gov. Andrew would recommend the repeal in his forthcoming message. The governor agreed to the proposition; and the recommendation for repeal will be found in his message to the legislature at that time. On his arrival in Boston, Wendell Phillips, Wm. Lloyd Garrison, Prof. Longfellow, Gov. Andrew, and other distinguished Bostonians, called upon Mr. Bovee at his hotel, and tendered their co-operation in the work before him. Mr. Bovee opened his canvass in January, 1861, delivering his first speech in Boston, Wendell Phillips presiding at the meeting. The canvass preceded until the bill passed the Senate by seven majority, when the illness of Mr. Bovee, who was confined to his room for six weeks, led to the abandonment of the canvass and the failure of the bill to pass the House. During the dark

days of the war, from 1861 to 1864 including (.....) being content to hold the position already won. In 1866 a formidable effort was made to restore the death penalty in Wisconsin. Jefferson Davis was then a prisoner of war, and the desire to hang him amounted to almost a raging fever. Many members of the Senate and Assembly who had formerly been opposed to capital punishment, abandoned their faith and joined in the popular cry of "hang him, hang him!" One senator, who had been a warm advocate of the abolition of the death penalty, changed front and told Mr. Bovee that he was in favor of restoring the death penalty in Wisconsin for the purposes of manufacturing a public sentiment which would look to the hanging of Jefferson Davis. Mr. Bovee replied that he could not discover any connection between the fate of Jefferson Davis and the penal code of Wisconsin; "and," said Mr. Bovee, "you shall never restore the death penalty in Wisconsin while I live in the state." Mr. Bovee found that the Senate was in favor of restoring the death penalty. By his advice, Senator Sholes, of Kenosha, succeeded in delaying action in that body until Mr. Bovee could prepare the House for the defense. He addressed the legislature, Hon. Thad Pound presiding, after which he had introduced in the House a bill to restore the death penalty and then, with the forces at his command, fell upon it and killed the bill. The Senate, finding the House against it, tabled its own bill, which ended the contest.

In the winter of 1867 Mr. Bovee opened a public canvass of the state of Illinois, having in view a radical change in the penal law of that state. He delivered three addresses in the city of Chicago, the first at Crosby's Opera House, the second before the students of Bryant & Stratton's Commercial college, and the last in St. Paul's church, the Rev. Dr. Ryder presiding at the meeting. The last speech of the campaign was delivered before the legislature at Springfield, Mayor Bradford presiding. Mr. Bovee drafted a bill, which passed both Houses of the Legislature just as he drafted it, and became a law. He calls it the option jury law, as it gives the jury the privilege of prescribing the death penalty, imprisonment for life, or a term of not less than fourteen years. It is under this law that the anarchists were tried, the jury prescribing the death penalty for seven of the anarchists, and imprisonment for one.

In 1868 Mr. Bovee was invited by a joint resolution of the Legislature of Minnesota to address that body, which he did in February, Gov. Marshall presiding. Within ten days a bill passed both houses forbidding the death penalty unless the jury recommended it. Under this law the Younger brothers, by pleading guilty, escaped the death penalty.

In 1869 and 70 Mr. Bovee delivered eighty-one public addresses in Pennsylvania, twelve of which were in Philadelphia, and the last one before the legislature, Hon. B. B. Strang, the speaker, presiding at the meeting. A bill abolishing hanging was reported by the Judiciary committee of the House, but was beaten by the parliamentary tactics of the opposition, who stole the bill from the files, and before it could be recovered, the legislature had adjourned.

In 1872 Mr. Bovee addressed the Iowa legislature. Gov. Carpenter presiding. Within ten days a bill, totally abolishing capital punishment, passed the General Assembly, just as Mr. Bovee drafted it, and became a law. Four years later, Iowa modified the law by adopting the option jury law, similar to that of Minnesota. Iowa has not hanged a man in twenty-two years.

In 1873 Mr. Bovee addressed the legislature of Indiana. Gov. Hendricks, who was to have presided, met with ???? which confined him to his ??? for nearly a week. Senator ??? of Wayne, presided. The bill to abolish hanging was a tie vote in the House, and speaker Edwards, of Terra Haute, voting against it, it was defeated.

For the past few years Mr. Bovee has devoted himself entirely to the prison reform question, and to the establishment of State Industrial Schools for juvenile criminals. In 1883, Mr. Bover delivered two addresses before the legislature of Missouri, Gov, Crittenden presiding. A bill to establish a Reform school was reported favorably and would have passed at that session had not the burning of the penitentiary, which entailed a loss of \$100,000, and which required appropriations for the rebuilding, placed the bill in abeyance. This last session, however, Mr. Bovee was successful. The school is established at Boonville, and after a few months, Missouri, instead of sending her boys to a state prison, will send them to the state reformatory for education, trades and reformation. -*Whitewater News*, October 15th, 1887.