

Eagle Man Crusaded for Capital Punishment Ban

To a Waukesha county resident who was chairman of its county board and a member of the state legislature for one term, belongs a good deal of the credit for the abolition of capital punishment in Wisconsin.

In the fall, 1958, issue of the Wisconsin Magazine of History, a publication of the Wisconsin State Historical society, Elwood R. McIntyre traces the career of Marvin Bovee who came to Eagle township in 1843 as a member of a family of 11.

Bovee's first taste of politics came in 1852 when he was elected chairman of the town of Eagle, then chairman of the Waukesha county board when it was organized. Democratic leaders, looking for a candidate for state senator from the 10th district, hit upon Bovee to oppose the incumbent Whig, Dr. E. B. West. Bovee defeated H. H. Van Amringe of Mukwonago and Dr. West for the post.

Bovee teamed up with G. R. McLane of the Ninth district from Waukesha county and, with the help of a Democratic majority in the 1853 legislature and Christopher Latham Sholes of Kenosha, inventor of the typewriter, led the fight for the abolishment of hanging and the death penalty.

Bovee and Lees Worked Together

Edward Lees, of the Third assembly district of Waukesha county, which included Ottawa, Mukwonago, Eagle and Genesee, helped with the fight.

In his drive to abolish hanging in the state, Bovee could point to the examples of Rhode Island and Michigan and that justice was sometimes avoided through juries' squeamishness to bring in convictions when they knew a man's life hung in the balance.

Cases cited included that of William Flannaghan who shot Francis Horel in Waukesha county in the early 1850s. Horel lived to point out his assailant in court, but Flannaghan was given only five years on a second degree murder charge by Judge Levi Hubbell.

Bovee's bill passed July 8, 1853, and was signed by Gov. Leonard Farwell.

Bovee never ran for the senate again, and for five years farmed and carried on correspondence with those interested in penal reform.

In 1858 Bovee's real career began as he went into Illinois on a crusade against hanging. While hanging was not abolished in Illinois, Bovee's campaign did result in Illinois doing away with public executions.

Horace Greeley, famed editor of the New York Tribune, wrote to Bovee asking the effect of the law in Wisconsin. And in 1859-60 Bovee gave more than 100

talks in a five month period in his native New York state, the last one before the select committee of the state assembly at Albany.

Worked With the Poet, Longfellow

One house of the legislature reported for the abolition bill, but the other demanded a murderer be sent to prison for a year after which he might be executed if the governor saw fit to order it.

Bovee then was called into Massachusetts by Gov. John A. Andrew in December of 1860 and started on a penal reform bill with William Lloyd Garrison, leader of abolitionist causes, and Henry Wadsworth Longfellow, the poet.

But Bovee was hospitalized for six weeks with pneumonia and, though the state senate passed a bill based on the Wisconsin law, it was never enacted.

Bovee had been urged to prepare an anti-gallows book, and was working on it in Eagle in 1860-61 when the Civil war broke out. The completed manuscript was set aside for more important things.

After the war, in 1867, Bovee returned to Illinois and brought about a law giving the jury the right to fix the death penalty or life imprisonment for first degree murder. Bovee had similar success in Minnesota in 1868, and in 1869-70 gave more than 80 talks in Pennsylvania, but without success. Parliamentary maneuvers defeated the reform.

Got Help From Outstanding Men

Bovee's travels took him to Iowa in 1872, and there the death penalty was revoked until 1876 when a jury option law was put in force.

Meanwhile Bovee's book "Christ and the Gallows" or "Reasons for the Abolition of Capital Punishment" appeared in 1870. A second edition, "Reasons for Abolishing Capital Punishment" appeared in 1879. He, himself, published both on a subscription basis.

Bovee got contributions for his work from Greeley, Longfellow, moral support from editor-poet William Cullen Bryant; and from Oliver Wendell Holmes, who sent him his best wishes. John Greenleaf Whittier sent \$10.

In the late 1870s, Bovee, not completely satisfied with the progress in abolishing the death penalty, took up the cause of prison reform. It was in this period that he sold his farming interests in Eagle and moved his family to Whitewater.

Bovee died in 1888 at 61 having lived at an exhausting pace for a cause he fought for all his life.