The book contained antigallows statements from prominent authors, divines, prison wardens, and other authorities, and cited a number of examples of gross abuses of the death penalty, such as the hanging of a ten-year-old girl. Bovee's reasons for the abolishment of the death penalty were frequently quoted at the time,[38] and at least two books which appeared a few years after Bovee's dealt with the same subject and quoted his conclusions.

IN THE late 1870's Bovee sold his farming interests in Eagle and took his family to nearby Whitewater. Not wholly satisfied with the progress being made in repealing the death penalty, he took up the related cause of prison reform. He urged better industrial schools for juvenile offenders: he wanted to see established more places like the Wisconsin Home of Refuge, opened in Waukesha in 1857, where delinquents could be trained in trades and crafts and at the same time have spiritual guidance.

In 1883, with the sanction of Governor Crittenden, he gave lectures on prison reform before the Missouri legislature. As a result, a bill to create a Missouri industrial school was favorably reported, but because of fire damage to the state prison—requiring a special appropriation—action was delayed for two years. Eventually, however, the Booneville school for boys was established along many of the lines that Bovee had advocated.[39]

[38] "When we consider the important facts that human testimony is unreliable,—that the human understanding may be swerved by interest, passion, or prejudice,—that weak nature may be corrupted,—that wicked men may forswear themselves,—that the really guilty will ofttimes accuse the innocent, and labor for their conviction, to thus secure immunity for themselves,—that even well-disposed persons may unconsciously incline to the wrong, under pressure of public opinion,—that the upright may be mistaken,—and that proof, seemingly as 'strong as Holy Writ,' may ensnare the victim,—how presumptuous in men to sustain a penalty so irremediable as death, and this when its infliction is visited upon the innocent as well as the guilty." Bovee, *Christ and the Gallows*, 83–84.

[39] *Whitewater News*, October 15, 1887.

Bovee's new interest in prison reform broadened his operations and attracted more support for his book and for his travels and speeches. In 1883, an Ohio lawyer, George Hoadly, wrote him from Cincinnati to say that both major parties in Ohio were pledged to end contract labor for convicts. "Working a man for the benefit of a contractor at a trifling wage and turning him loose at the end of his term with a suit of clothes and five dollars is the worst way to treat humanity," Hoadly stated. He also requested Bovee to send him any pertinent materials he might have on the subject.[40]

During the last decade of his life, Bovee took care of his heavy mail, studied prison reform, and engaged in Democratic party work, notably with Speaker J. G. Carlisle and Horace Greeley. A niece remembers Bovee as a man of fine health and vitality, lively, good-humored, and charming. Physically he was over six feet in height, weighed 190 pounds, with piercing dark eyes as his most striking feature. Laura Bovee is recalled as "quiet and soft-spoken, interesting to know, and a famous cook."[41]

But like many ardent fighters for principle, Bovee eventually found the pace exhausting and the rewards uncertain. On May 7, 1888, at the age of sixty-one, Bovee died in Whitewater, and in its obituary the local newspaper said that the strain on his mind and body had become too great, resulting in mental and physical prostration. "Melancholia came on, with but occasional improvement, his strength steadily failing until the end."[42]

Unlike some Victorian reformers, Bovee was easy to live with and hard to part with. He belongs to Wisconsin's list of unselfish humanitarian workers who labored for a better and a brighter world.

[40] Hoadly to Bovee, July 16, 1883, in the Bovee Papers, Huntington Library.

[41] Mrs. Dorothy Bovee Jones, Bethlehem, Pennsylvania, daughter of Bovee's niece, Emily, in a letter to the author, March 11, 1957.

[42] *Whitewater Register*, May 10, 1888.

This error reflected adversely on the care and astuteness of the antigallows leadership, which had been divided all along. In a facetious mood, the *Albany Journal* asked how persons were now to be executed, "by chloroform, poisoning, burning at the stake or hanging?" But if some papers jeered the reformers, Bovee and his friends were staunchly upheld by Greeley, famous for espousing radical causes, and by William Cullen Bryant of the *Evening Post*, Rev. Dr. H. W. Bellows, Gerrit Smith, philanthropist, and Rev. Henry Ward Beecher. The opposition included Bennett of the *Herald*, Raymond of the *Times*, and Brooks of the *Express*, as well as the noted upholder of the death penalty on scriptural grounds, Dr. George Barrell Cheever of the Church of the Pilgrims.[23]

Bovee's work in New York was not in vain. Nobody was hanged under the new 1860 law, which was repealed in 1862. It was superseded by a first- and second-degree murder law carrying a jury option clause, in the passage of which Bovee had some indirect influence.

In December 1860, Governor John A. Andrew of Massachusetts asked Bovee to come to that state to engage in a campaign on behalf of repeal. The invitation was accepted on condition that the governor support such a move in his message, which he did, saying in part: "So that our laws may be more just and humane, detection and punishment must be speedy and sure. The death penalty will some day be discontinued among civilized men."[24]

Soon after his arrival, several leaders who wanted repeal legislation called upon Bovee at his hotel. These included Governor Andrew, Wendell Phillips, William Lloyd Garrison, and Henry W. Longfellow.

With Phillips presiding, Bovee began his campaign at a Boston meeting. He had hardly made a good start—the state senate had just passed a bill based on the Wisconsin law—when he was taken ill with pneumonia and was hospitalized for six weeks. Partly because of this misfortune, the campaign was abandoned and no new penal law was enacted.[25]

BY 1860, when Bovee came back home to be with his parents and his sister Harriet on the farm, there were seven households in Eagle, with thirty members. His brothers William and Halsey kept a general store at the Center. Here Marvin resumed his life as a farmer, and at the suggestion of many friends of penal reform, began to prepare an antigallows book for publication, hoping to have it printed by the autumn of 1861.[26]

However, with the war guns roaring, interest in penalties for civilian crime was minimized. It was no time for such campaigns as Bovee had been waging, and the completed manuscript was quietly set aside, not to see the light of publication until nine years later. In the first year of the War a committee of one from each town in the vicinity was set up at Waukesha to receive donations for the needy families of volunteers. Bovee acted for Eagle, and it was said that "generosity ran rampant."[27] In the course of the conflict two soldiers were contributed by the Bovees to the cause—Phillip's son John and Marvin's nephew Mathias, son of Benedict Bovee. Both were in the Twenty-fourth Wisconsin Infantry.

In 1862, at the age of thirty-five, Marvin married Laura Doud of Amsterdam, New York. Two children were born to them, Maude Bovee Halverson and Rollin J. During his prolonged absences from home, Marvin sent devoted letters to Laura. "May our future years be as happy as the past six have been," he wrote from Columbus, Ohio, in October, 1868, using Democratic Party stationery, and expressing the wish to be home on their anniversary.[28]

After the war ended, Bovee was ready to begin anew on his crusading and to resume work on the manuscript of his proposed book, for which he had obtained letters of endorsement and encouragement from many nationally prominent foes of capital punishment. But suddenly legislative trouble broke out at home. When Jefferson Davis was taken prisoner in 1866, the vindictive cry of "Hang the Traitor!" excited some Wisconsin politicians. One of

[23] *Whitewater News*, *loc. cit.*; Albany (New York) *Journal*, October 13, 1860.
[24] *Boston Daily Courier*, January 7, 1861.
[25] *Whitewater News*, *loc. cit.*

[26] Bovee, *Christ and the Gallows*, iii.
[27] Theron W. Haight, ed., *Memoirs of Waukesha County* (Chicago, 1880), 118.
[28] Bovee to his wife, October 13, 1868, in the Bovee Papers, Huntington Library.

Later, at the state convention just as the Civil War began, he declared that the Republicans were heading for the rocks, but that he would never consent to the independence of the Confederate States.[5]

Marvin first became a political candidate in 1852, the year in which he and one John Walker wrote resolutions attacking the National Bank Act and the high tariff as "darlings of the Whigs."[6] In the fall of that year he was chosen chairman of Eagle township and was then elected chairman of the Waukesha County Board when it was organized. Meantime, the Democratic leaders were hunting hard for a strong candidate to oppose the incumbent Whig senator in the Tenth District —Dr. E. B. West. Another candidate whom they had to beat was H. H. Van Amringe of Mukwonago, Fourierite western organizer and land-reform advocate, to whose efforts the homestead exemption clause in the state constitution was partly credited.[7]

Finally, on September 10, 1852, in a meeting at Waukesha the Democrats nominated Bovee as senatorial candidate in the Tenth District. Henry Danforth Barron, editor of the *Waukesha Democrat*, emerged as Bovee's champion, and his influence counted. Barron was from Saratoga, New York, and came west too young to practice the law for which he was trained. Instead he got together enough credit to buy the newspaper that brought him into prominence. President Pierce made him postmaster of Waukesha in 1857. Eventually Barron left for St. Croix Falls, Wisconsin, and thereafter served eight terms in the Wisconsin assembly, was speaker twice during the Civil War, became judge of the Eleventh Judicial District in 1876, and lived to see Barron County named in his honor.[8] His hearty support of the young senatorial candidate bore fruit. Bovee's majority was 162 votes over Van Amringe and 353 over Dr. West.

Although penal reform was to dominate Bovee's whole public career, it is not evident that it played any real part in his campaign. However, his views on the subject had already crystallized into a lifelong philosophy, and he had often aired them in the local newspapers. In one of these he called capital punishment "a dark spot resting on us as Christians. A life once taken can never be restored, but liberty can be given and restoration made to an unfortunate being who has been unjustly imprisoned."[9] His was no lone voice crying in the wilderness, for in the year in which he wrote antigallows societies were active in New York, Pennsylvania, Massachusetts, Ohio, Indiana, Iowa, Illinois, Alabama, Tennessee, and Louisiana. And back East, Bovee had heard of the powerful foes of capital punishment —Robert Rantoul, Jr., DeWitt and George Clinton, Edward Livingston; and of the asylum correctors and prison reformers—Louis Dwight, Amos Pilsbury, Enoch Wines, Zebulon Brockway, and the indomitable Dorothea Dix.[10]

In the 1853 session of the legislature, the Democrats were in the majority. Waukesha County's two senators, G. R. McLane of the Ninth and Bovee of the Tenth Districts, were both Democrats and both in full agreement on the capital punishment issue. Christopher Latham Sholes of Kenosha (later the inventor of the typewriter) was again in the assembly, eager to renew the fight against hanging which he had led unsuccessfully in 1852. Help also was forthcoming from Edward Lees, assemblyman from the Third Assembly District of Waukesha County, which included Ottawa, Mukwonago, Eagle, and Genesee. In the 1850 census, Lees is listed as a laborer, with a wife and four children. He had studied law and served as justice of the peace. Bovee and Lees

[5] Milo M. Quaife, ed., *The Convention of 1846: vol. 27, Collections of the State Historical Society of Wisconsin: Constitutional Series, vol. 2* (Madison, 1919), 460–562; reprint of undated address by Matthias J. Bovee, in possession of his great granddaughter, Mrs. Allen (Katherine Bovee) Howard, Waukesha, Wisconsin.

[6] Waukesha *Democrat*, September 7, 1852.

[7] Lena London, "Homestead Exemption in the Wisconsin Constitution," in the *Wisconsin Magazine of History*, 32:176–181 (December, 1948).

[8] Charles R. Tuttle, *History of Wisconsin* (Boston, 1875); *U. S. Biographical Dictionary: Wisconsin Volume* (Chicago, 1877), 628.

[9] *Waukesha Democrat*, August 19, 1851.

[10] For information on these early reformers see Stewart H. Holbrook, *Dreamers of the American Dream* (Doubleday, New York, 1957), 235–251; David Brion Davis, "The Movement to Abolish Capital Punishment in America, 1787–1861," in the *American Historical Review* (October, 1957), 23–46; *Annals of the American Academy of Political and Social Science* (Philadelphia, 1952); and Raymond T. Bye, *Capital Punishment in the United States* (Philadelphia, 1919).