

PHELPS COUNTY'S ONLY HANGING: THE CRIME, TRIALS, AND EXECUTION OF GEORGE BOHANNON

by John F. Bradbury, Jr.
commentary by Charles D. Hoskins

Foreword

When I prepared this piece for the Newsletter of the Phelps County Historical Society (October 2001), I did not know the particulars of an execution that took place in Rolla during the Civil War. Along with Samuel H. Anderson, a physician, Joseph Johnston was captured by federal cavalry in September 1864. They were charged with running with "One-armed" Brown and "Bushwhacker" Bill Wilson, pillaging citizens of Phelps County. A military commission sentenced both men to death, but Anderson ultimately escaped his fate by appealing to President Abraham Lincoln. Johnston, described as an "ignorant dolt," had no such luck. Operating under Special Orders No. 230, District of Rolla, military authorities hanged Johnston on December 21, 1864, and buried him in an unmarked grave. The method of execution reflected the criminal nature of his offenses. Death by firing squad, a more "honorable" way to go, was reserved for military offenses.

So, George Bohannon was actually the second person to be hanged in Phelps County. But he was the first and only man to be hanged by Phelps County's civil authorities, so the title of this piece can still be said to be correct. That's my story and I'm sticking with it.

Rolla newspapers carried public invitations by the families of the Pea Ridge and Beaver Creek neighborhoods for a pleasant summer diversion on Monday, August 15, 1881. The location was Poole Hollow Cave, about six miles southwest of Rolla and a couple of miles east of the future site of Newburg. Poole Hollow, Gourd Creek, and other caves in the area were popular cool gathering places in the summer months. They were the sites of political speeches, July Fourth celebrations, picnics, and "frolics." The affair at Poole Hollow was to feature music, dancing, an old-fashioned horse-powered swing, a shooting match, and refreshments. The event turned out anything but common. The shooting match never happened, but before the sun set that day, a single pistol shot left one man dead and another marked for death. The shooting led to an indictment for first-degree murder, and, ultimately, to Phelps County's only hanging.

August 15 dawned favorable. Nearly

everyone within a five-mile radius of the cave turned up for the event. Perhaps a hundred people were in and around the cave at the height of the day. William Light, a twenty-one year old fiddler from the neighborhood, was among the local musicians providing music throughout the day. In the spacious mouth of the cave were a number of stands for lemonade and various refreshments. There were other libations, too. Some of the men nipped from their own flasks and jugs; outside the cave, neighborhood preacher Jotham Rice sold his homemade wine from a wagon parked in the brush.

Among the crowd were the Bohannon brothers: Carter, George, Hance, and Luke. The family had come to Phelps County from Arkansas after the Civil War. They may have had kin along the Gasconade River in Pulaski and Laclede counties. Mary, mother of the Bohannons, subsequently married Reuben Melton on May 8, 1873. She and Reuben moved to Dade County, but the Bohannon brothers stayed in Phelps County. They lived on small farms in the Pea Ridge neighborhood, near where Doolittle is now, and made their livings as tie hackers and tie rafters on the Gasconade and Pineys. The Bohannons had had a hand in getting up the picnic at Poole Hollow, and Hance and his wife set up a lemonade stand in the cave. Joining them for

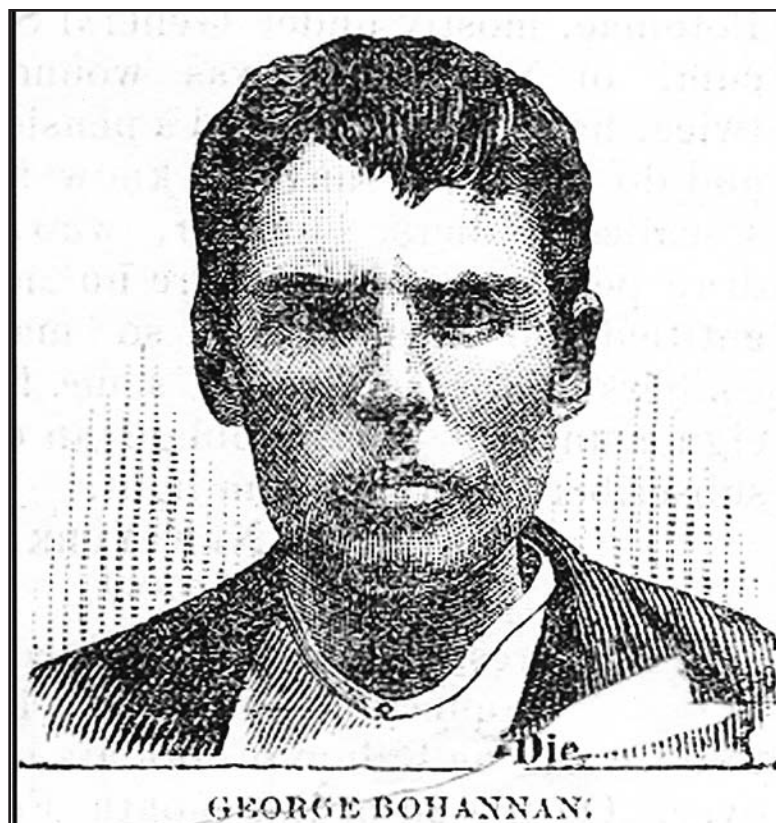
lunch was William Light, the fiddler. Light, his wife, and child lived on the Springfield Road with his grandmother, Mrs. Joshua Light. Apparently they knew the Bohannons quite well. The day passed pleasantly enough until late afternoon when the crowd began breaking up. William Light put up his fiddle, started out of the cave, and headed for home. He was followed shortly by George Bohannon and John McGowan. They caught up with Light a few hundred yards from the mouth of the cave and walked along with him. They hadn't gone far when Bohannon and Light exchanged words and some shoving ensued. Witnesses heard a pop and then saw Light stagger backward a step before crumpling to the ground. He may have exclaimed "Boys, look there," but he never moved again.

Marion Wilson and Paul Bunch heard the shot and saw Light fall. They came to Rolla and informed Sheriff Alex Orchard and Justice of the Peace and Acting Coroner A. L. Stiff of the events at the cave. Deputy Sheriff H. A. Gaddy rounded up a posse and went to Poole Hollow, but Bohannon had fled. Phelps County authorities issued a warrant for the arrest of George Bohannon, who was described as twenty years of age, 5' 6" tall, weight about 145 pounds, with black hair and swarthy complexion.

The posse did find and arrest John McGowan as an accessory to murder in the first degree. Editor H. S. Herbert of the *Rolla Herald* interviewed John McGowan in jail. Many considered McGowan, described as a "trifling fellow," to have been the instigator of remarks to Bohannon that provoked the confrontation with Light. McGowan said that he and Marion Wilson had been in Rolla earlier in the day and had gotten a half-gallon of whiskey from Bowles & Shinneman's saloon. They took the afternoon passenger train to Beaver Station, then walked over the hills to the cave. They had stashed the jug of whiskey in the brush, but someone stole it, so McGowan, George Bohannon, and others began patronizing preacher Rice's wagon for homemade wine. Asked why he had not apprehended Bohannon after the shooting, McGowan replied "Great God, he would then kill me too."

The coroner's inquest and preliminary investigation began the next day in the court of Justice A. L. Stiff. Dr. U. L. Huyette, a Rolla physician and surgeon, testified that he had examined the body of William Light. He found a gunshot wound on the left side of the chest between the fifth and sixth ribs, near the median line of the chest and below the left nipple. The bullet passed through Light's heart and probably cut one of the main arteries. There was no exit wound—the bullet had struck the vertebra and deflected into the muscles of the back. John and William Aaron (fifteen and nineteen years old, respectively) testified that they had walked from the cave with George Bohannon, John McGowan, and William Light. Bohannon and Light began quarreling over some kind of a debt owed to Bohannon, and each accused the other of lying. Talk gave way to violence when Light hit Bohannon in the side of the face. He was about to strike another blow when Bohannon pulled out a pistol and fired one shot, exclaiming "Lie there you son of a bitch." Both Aarons saw the shooting. They testified that Bohannon was not in the habit of carrying a pistol, and that he was a good fellow except when he drank. They also agreed that Light had been unarmed, and that Bohannon had been drinking, but Light had not. After the shooting, Carter Bohannon had gotten his brother a horse and advised him to leave the area.

Other witnesses in the inquest included Tabitha Perkins, John Goforth,



Woodcut portrait of George Bohannon, from "a perfect likeness taken from a photo since the murder." *Rolla Herald*, March 2, 1882.

John Payne, and John McGowan. Rachel Light, the grieving widow of the victim, also filed an affidavit regarding the murder of her husband. Her testimony, understandably biased, included the unusual legal language that the killing was the result of perpetrators "not having the fear of God before there [sic] eyes but being moved and seduced by the Devil." On the strength of the testimony, Justice Stiff charged John McGowan as an accessory to the murder of William Light, and ordered him to be held in jail for examination by a grand jury. He was later released for lack of involvement in the crime. Carter Bohannon also was released for lack of evidence. Luke Bohannon was not indicted in connection with the murder, but was charged with cutting timber on land owned by Uriah Dotson and was jailed on that account. Justice Stiff also dealt with Jotham Rice, "a peculiar Gospel preacher," charged with selling wine at the cave without a license. Rice pled not guilty, but, after hearing several witnesses testify that he had sold wine at the cave for thirty cents a glass, changed his plea and asked for leniency. Justice Stiff fined Rice \$40.00 and costs, and jailed him in lieu of payment.

Bohannon remained a fugitive during these proceedings and for nearly a month afterward. Sheriff Orchard sent notices to other police forces, and the *Police News* carried his photograph. On September 15, 1881, the *Rolla Herald* carried the bold headline "Caught and Caged." The particulars were somewhat less dramatic. Bohannon gave himself up, some said at the instigation of William Melton, his step-brother. He had gone to Melton's home in Dade County after having been on the run as far as St. Louis and Memphis. He had several misadventures along the way, including being robbed on the river and then being arrested at Cairo, Illinois, under suspicion as Light's murderer. But Bohannon talked his way out of arrest, after which he backtracked to St. Louis, hopped a freight train to the Ozark Iron Works, and visited his wife at home before pushing on to Dade County. Depending on

whose account is believed, Melton talked his step-brother into surrendering, or Bohannon himself made the decision because he was tired of life on the lam and was haunted by the crime. After negotiations by telegraph between the county sheriffs, Bohannon surrendered and was brought back to Phelps County by train. His half-brother did not accompany him out of fear for his life, or so rumors held. Bohannon himself feared his reception in Rolla, but relaxed when he heard that the crowd waiting at the depot consisted of his friends and relatives. He spoke at length with editor Herbert of the *Rolla Herald*, who boarded the train as it neared Rolla. It was the first of many conversations that the newspaperman would have with the prisoner. When asked why he killed Light, Bohannon replied, "For nothing." When arrested, he had neither revolver nor money. The editors of both newspapers expressed satisfaction that the murderer was in jail, but editor Walbridge Powell of the *Rolla New Era* confessed that he did not relish the idea of anyone being betrayed by a relative.

Justice moved swiftly that fall. Bohannon's attorneys W. G. Pomeroy and Arthur Corse made the first motions in the case on October 17, asking for a change of venue and a continuance, but Judge Charles C. Bland denied the motions and instructed the sheriff to assemble a pool of forty jurors for trial on October 24. Local interest was intense and there was standing room only in the courtroom when the trial began. Hance Bohannon, the oldest brother of the accused, assisted the defense. Bohannon himself seemed disinterested in the proceedings and did not play much of a role in his defense. Observers noted that he did not look cold-blooded or murderous, but also that he did not seem to realize his life-threatening peril. Not so disinterested was his wife Mary Ann (Thomas) Bohannon. George and Mary Ann had been married only since April; she sat behind her husband throughout the trial. On the opposite side of the courtroom, behind prosecutor William C. Kelly, sat Rachel Light with her father-

less child.

Witnesses for the prosecution testified as they had in the preliminary hearings. However, the prosecution developed that Bohannon remained around the cave for nearly twenty minutes after Light was shot, that he threatened to shoot anyone who attempted to arrest him, and that he ran away through the crowd when no one would give him a horse. Thomas J. Jordan, who had not testified previously, said that on a fishing trip a month before the murder, Bohannon had told Jordan that if he had more trouble with Light, "he would be tempted to kill [him] before he should whip him." Jordan's testimony was uncorroborated but was damaging to the defense in terms of the premeditation of the killing. John Inyard testified that he encountered the fugitive Bohannon in late August at the railway station in Pacific. Bohannon told him he'd killed Light, that the murder was not justified, and that he'd hang for it. He also said that he was going to risk going home to get a horse, and that Inyard should say Bohannon was going rafting if anyone asked about him. Woven through the testimony of all witnesses were the themes of alcohol and drunkenness as aggravating factors in the tragedy.

The prosecution rested. Led by attorney Arthur Corse, the defense began with an opening statement in which Corse admitted Bohannon's guilt, but claimed the offense fell below the statutory requirements for first degree murder. Mary Bohannon, wife of the accused, was the first witness for the defense. She testified that she had tried to dissuade her husband from leaving the cave with John McGowan because they had already been drinking and she did not want George to get drunk at Rice's wagon. She also said that the pistol was not George's, but that it belonged to his brother, Carter. George carried it only because Carter had no pocket in which to put it. George had given it to Hance, who put it in his lemonade stand. Carter later testified to the truth of this assertion about the pistol. He said that he was about to go

on a rafting trip and wanted the pistol. George, he said, was not in the habit of carrying a weapon, and he denied knowing of any prior difficulty with Light. The defense entered a statement by Richard Winn that Light had attempted to quarrel with Bohannon several times during the picnic, and that he had struck Bohannon with a stick. George Bohannon took the stand to testify in his own defense. He corroborated Carter's statement and said that the pistol was an "American Eagle, self-cocker, .32 caliber." He put the weapon in a peanut box at the lemonade stand until Hance told George to get it out of the way. George said he and Light had quarreled outside the cave about an old debt, that Light had hit him and threatened to strike again. He pushed Light back and at the same time drew the pistol. Bohannon claimed he didn't aim to shoot, but that he wasn't used to a self-cocking revolver and that the gun went off as he pulled it out of his pocket. He said that he and Light were friends, had never had any difficulties, and that Light had eaten dinner with the Bohannons out of their picnic basket. He also admitted that he was drunk when he left the cave. Bohannon's testimony, the *Rolla Herald* reported, "was given with perfect coolness and deliberation, and without the least indication of nervousness."

Bohannon was the last witness. The prosecution's closing argument followed his testimony. Prosecutor Kelly argued that the law, public safety, and the testimony of the accused all pointed toward conviction. Defense attorneys W. G. Pomeroy and Arthur Corse both spoke for the defense, but could only make the argument that the crime was murder in the second degree at most.

Judge Bland then instructed the jury. He told them that Bohannon's shooting of an unarmed Light was considered by the law to be murder in the first degree, and that it was the burden of the defense to show that it was a lesser crime. The defendant's drunkenness was no excuse, although the judge said that the jury could consider this in con-

nection with premeditation. He also said that if they decided that the killing was premeditated and with malice, but without deliberation, they could consider a second degree charge. So instructing the jury, Judge Bland sequestered them for the evening. The jurors began deliberations the following day. Twelve hours had passed when they notified the judge that they had reached a verdict. Brought into the courtroom and polled individually, the jurors announced their unanimous verdict of guilty. Although there was considerable emotion from both the Light and Bohannon families, George seemed unconcerned and uninterested when the verdict was read. Judge Bland sentenced Bohannon on November 3, 1881. Another big crowd showed up at the courthouse for the sentencing, but they were disappointed by having to wait for two hours while Attorney Corse presented motions for a new trial. The appeals were based on the judge's jury instructions, and by his refusal to admit extenuating evidence that Light had previously threatened Bohannon. Judge Bland overruled all the defense motions.

It was palpably still in the courtroom when the judge ordered Bohannon to stand for sentencing. Bohannon eyed the judge coolly and defiantly, but his voice quivered slightly when he said that he did not think he received a fair

trial. Judge Bland's only response was to sentence him to hang on December 23, 1881. Bohannon simply nodded his head and sat down, but his brother, Hance, wept as though his heart would break. Mary, George's wife, clung to his neck as Sheriff Orchard handcuffed him to be taken back to jail.

The *Herald* editor described Bohannon's case as "one of the most terrible crimes that has ever blackened the history of Phelps County." It certainly wasn't the first killing in Phelps County. Although Bohannon's would be the first hanging by Phelps County civil authorities, it was not the first legal execution in the county. There had been two during the Civil War; both of those were probably by firing squad. However, Bohannon's was probably the most expensive criminal case in Phelps County up to that time. The case had already cost taxpayers over \$175.00, and the County Court ordered the sheriff to hire two extra watchmen during Bohannon's incarceration. The expense compounded as attorneys Pomeroy and Corse pursued legal appeals through the appellate court to the Missouri Supreme Court. The Supreme Court docketed the case for December 19.

Bohannon spent his days upstairs in the jail and nights in one of the dungeons on the first floor. Ministers visit-

ed him almost daily, and "their calls seem[ed] agreeable to the doomed young man." Aside from his visitors, Bohannon had time enough on his hands to author a short autobiography. He called C. M. McCrae, an associate of and reporter for the *Herald*, to the jail and spoke with him at length. The newspaperman reported that Bohannon was healthier than at his trial, and that he spoke freely on all matters except those pertaining to his own execution. About that unpleasant possibility, he said only that he had little confidence in a new trial, and would die like a man if the time came. He did not refer to his conduct as good or bad, but had written a "touching" letter to his brothers to abstain from alcohol. Both Rolla newspapers published Bohannon's autobiography, leading to a journalistic spat in which the editor Herbert complained that the *New Era* reprinted George's story but had not credited the *Herald* with the scoop.

[*Herald*, December 8, 1881; *New Era*, December 10, 1881]

PHELPS COUNTY'S
CONDEMNED MURDERER
His History, as Written by Himself.

I was born on Oct. 4th, 1863, in Arkansas and brought to Mo. when very young. I was raised in Phelps

County. Until I was 9 years of age, when I took a trip to Arkansas. From there I went to Texas with a cousin, but as I was young I was homesick and returned in about a month. My father died when I was about a year old; my mother still lived, and in about 1874 or thereabouts she married Reuben Melton, who now lives 8 miles west of Rolla. I have four brothers and one sister living. One of my sisters, Mrs. Jordan, was burned fatally in a fire, a few miles from this place, from the effects of which she died. After I grew older I took a trip to Colorado with my brother Hance. We went over land by wagon. This was in 1878 after my sister died. We remained there three months, and I came back by way of Nebraska, Iowa, and Illinois. Hance came back direct. After I returned I went to rafting on the Gasconade river, following that business until I was married on the 10th of last February. From the time I was married until the Poole Hollow picnic I farmed most of the time. On August 15th, myself and wife went to a picnic at Poole Hollow cave, and to be in fashion I got drunk with the boys. That evening about 4 o'clock, while on my way to Rice's wagon where he was selling wine myself and Wm. Light had a difficulty on the road. He struck me once or twice, I don't remember which. In a drunken fit I shot him. Some of the boys got me away,

and when I became sober the next morning, about 4 o'clock, me and my brother were at Belle Ford, on the Gasconade river. I did not know for certain that I killed him, although Cart. thought I had. Cart. told me I had better get away. We got up and buckled a revolver around me and put one in my pocket. Carter came home and I went on my journey. I went to Bonnett's [sic] Mill in Osage county, and sold my horse for \$48. I had about \$9 besides. I got on the train and went to St. Louis, where I took a boat for Pittsburg, but only went as far as Cairo, Ill. While I was on my way I was robbed of \$48. I had two men arrested and searched for robbing me, but they were discharged, and then the officers arrested me for George Bohannon and took [me] before the mayor. I did not know for sure they had arrested me for Bohannon until they asked if that wasn't my name. I told them my name was Miller. They asked me why I shot Light at the picnic and I told them because he meddled with my affairs like they did. As I give them so many gags like the one above, they let me go. I then went to Memphis by boat and staying there three days. While there I was sick. Coming back again I stopped at Cairo and had a pistol stolen. From there I took a train for St. Louis. I was robbed at the depot.

While at Pacific I met John Inyard after which I took the train for St. James, where I got off. I walked up the main road to Dillon and then took to the woods north of Rolla, coming out at Mrs. Walker's. I got to Mrs. Walker's about 11 o'clock in the morning. I would have passed through on the train, but it was daylight when I got to St. James. I came to St. James in a box-car. Didn't see the conductor or any of the train hands. I went to my brother-in-law's, Wm. Thomas, and stayed till night; from there I went to my mothers and stayed three days and two nights. I was sick and would have given myself up but my mother wouldn't let me. When I left there I got on a freight train at Ozark and beat my way to Dixon. When I got there it was just daylight Sunday morning. From [there] I went to Springfield and the next day I went to Greenfield. I stayed that night with Stokes, who used to keep the Union Hotel in Rolla, and the next morning went out to my step brother's. I told Stokes I had killed Light, not caring what happened to me, but he did not seem to care either. I told my step-brother about it and [he] coaxed me to give up and as I was inclined that way, consented. When went to town together in a buggy the next morning and gave myself up to Sheriff Whitesides. The understanding we had was, that Billy Melton was to get \$50, Whitesides \$50, and I was to get \$180



The Bohannon Brothers in happier times: (left to right) Isaac Luke Bohannon, George Bohannon, Carter Bohannon, Silas Bohannon, and Jim Bohannon. Photograph courtesy of Spur Maxwell.

of the reward offered. From the time I gave up until the train came I played billiards and pigeon hole at a saloon without any shackles on. Two other men were with me, but it was a sham. Whitesides did not shackle me until after the train whistled here at Rolla. While I was on the train I went where I pleased and came very near getting off at Coleman's cut, but I thought what was the use. Melton and Whitesides have only given me \$50 out of the reward. This is the truth. I gave myself up and was not arrested as they tell on me.

George Bohannon

Bohannon got an early Christmas gift on December 22 when the Missouri Supreme Court stayed his execution until January 20, 1882. *Herald* editor Herbert visited the jail regularly. The prisoner made no complaints of his treatment by the sheriff and jailer, who allowed his friends to visit and supplied him with plenty of paper and a pen. He claimed to spend most of his time reading his Bible. He referred flipantly to his hanging, but it may have been just bravado. One of his guards overheard him tell his brother, Carter, that it would be easy for his brothers to break him out of jail. Carter wisely declined the opportunity.

folk also had something to drink. Enjoyed it to had good time Generally. Now the difference in this Christmas and last is this I am now in my sell reeding the Bible and taking my Christmas dinner alone with neither gifts or any one els to speak to it is a sad difference between this day and one year ago—I was visited to day By some young folks Mr Orchard and Gaddy furnished me with all the cake & pie that I could Eate and my wife fixed me up with Candyes I feeled in verry good hope and trusted in god to Release me from my burden which seem to be shadowed over me a sad Christmas to George Bohannon.

George entered the new year of 1882 in limbo. There was nothing more he or his lawyers could do until his case was heard by the Supreme Court. Editor Herbert reported that the prisoner was becoming quite portly and had grown a beard, making him look older. The newspaperman was one of few regular visitors since the sheriff had ordered that no one was to see Bohannon without Jailer Gaddy being present. Judging from his conversation, Herbert said, "the poor fellow has not fully realized the awful position in which he stands."

On January 19, 1882, the Missouri Supreme Court confounded unanimous popular opinion by reversing the Bohannon verdict and remanding the case back to the circuit court in Phelps County. The Supreme Court disagreed with Judge Bland's denial of Bohannon's request for a change of venue, but one of the instructions to the jury was the crux of the issue. In it, Judge Bland said: "If Bohannon killed Light with a pistol or revolver by shooting him, the law premises it to be murder in the absence of the proof to the contrary, and it devolves upon the defendant to show from the evidence that he was guilty of a less crime or acted in self-defense." The instruction erroneously excluded all elements of malice, intent, premeditation, and deliberation. The Supreme Court decision was a feather in the cap of attorneys Pomeroy and Corse, who persisted in their appeal despite opinion of the legal fraternity that the case was hopeless. Bohannon, who had fully made up his mind to die on January 20, was pleasantly surprised as well. The elation the Bohannons must have felt about George's temporary reprieve was dashed by news in early February that Hance Bohannon, at whose lemonade stand George had placed his brother's pistol, had died of smallpox in Arkansas. The Rolla newspapers noted that Hance was an honest and industrious man who took a railroad construction job to raise money for his brother's defense and to be away from the scandal that attached to his family.

Bohannon gave the *Herald* a Christmas letter of sorts and asked that it be published. The editor commented that Bohannon enjoyed the holidays "as happily as those whose hands are not stained with the blood of fellow human beings, or whose necks are not threatened with the hangman's noose." He published Bohannon's letter without correction. The verbatim orthography and grammar of the Christmas letter indicate that someone had heavily edited his earlier autobiography. The letter was addressed to Mrs. John Livingston of Dry Fork, who had earlier written to Bohannon.

[*Herald*, December 29, 1881]
Letter From George Bohannon.
Rolla, Mo., Dec. 25, 1881

I do not no who you are all tho you must have some sympathy for me as I see from your letter you sente me and for which I feel very greatful to you for your advice and information.

Had it bin that I could have had some Good Kind advice juste a little while before I done what I did I wood have never Don what I did but now this is Christmas day and I can not helpe thinking About this day and one year ago I one year to day was at dance at Wm Hoghling on Pearidge Enjoyed my self well with the girls and other



The antebellum Phelps County Courthouse (1860-1994), the site of the trial of George Bohannon. The courthouse still stands on the old square and is a museum. Across the street is the Log Cabin Museum, full of interesting artifacts from Phelps County's history. Photo by Jan Primas.

His wife and children were reported destitute.

Prosecutor Kelly presented another indictment against Bohannon in February 1882. The jury was in place for the second trial when Attorney Corse objected that there were so many clerical errors in spelling and omission of words that the charge made no sense. Seeing that the motion was about to succeed, Kelly dismissed the indictment and immediately got a new one from a grand jury. The last minute legal maneuvering disgusted Herald editor Herbert, who complained that justice as well as the county treasury was being imposed upon. "So far the conduct of the prosecution in this case is the sport of both the legal fraternity and the people."

On the basis of a third indictment, George Bohannon's second trial began on Saturday, February 25, 1882. Spectators filled the courtroom again. There were no new developments, but this time a juror from the first trial was called as a prosecution witness, and John McGowan testified for the defense. Bohannon did not testify in his own defense. The case proceeded swiftly. Bohannon demonstrated only indifference, without signs of guilt or remorse. H. S. Herbert, who had come to know the accused well, wrote that Bohannon's demeanor showed him to have either wonderful nerve, or to be so unintelligent, brutal, and devoid of conscience as to be unremorseful for his crime or unaware of his terrible fate. He even seemed indifferent to his wife, who sat weeping next to him throughout the trial. The jury began deliberations on Tuesday, February 28,

1882. The jurors were P. S. Miller of Miller Township; Samuel Brookshire, Cold Springs Township; J. F. Craig, Dillon Township; John T. Smith, J. F. Heavins (foreman) and Edgar Cox from Edgar Springs; and William Greenwalt, Peter Bumgartner, A. E. Branstetter, J. H. Ferguson, N. B. Brown, and Franklin Story of St. James. They deliberated only two and a half hours before returning another guilty verdict. Bohannon showed no emotion when the jury was polled. He must have known that his fate was sealed, but said nothing when he rose for sentencing. For the second time, Judge Bland sentenced him to hang, and set Friday, April 21, 1882, as George's last day on earth. Attorney Corse announced after the proceedings that the trial had been fair and without error, and that he planned no further appeal.

Even as George's time ran out, there came the stunning news that another murder had occurred in Phelps County. This time, the accused was a man of wealth and influence. J. R. Bowman of St. James, a former county and probate judge and Phelps County representative, shot and killed Alfred Hayes, a thirty-year

old laborer on a farm owned by William James. Hayes was said to have been of a wild and reckless disposition, given to an occasional "spree." Bad feeling between the men was long standing. As in the Bohannon case, alcohol was a factor in the fatal shooting of Hayes near a St. James saloon. Bowman gave himself up and paid bond for his release. County officials treated Bowman with great consideration and his case was venued to Texas County. Bowman was acquitted of murder there in December 1882. The case was controversial from its beginning and Bowman's lenient treatment drew unfavorable comparisons with the Bohannon case.

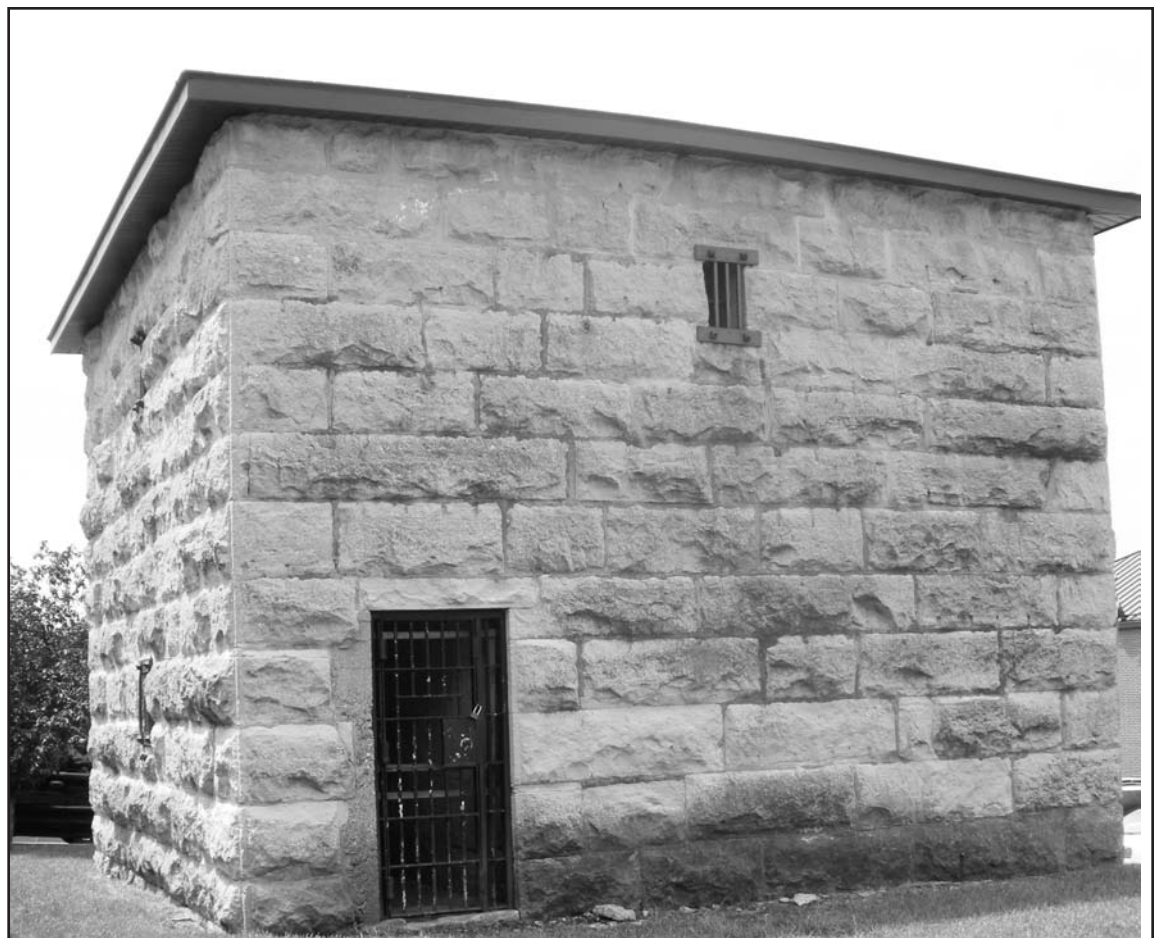
Feelings that justice for accused murderers in Phelps County was not quite impartial led some local citizens to petition Governor Thomas Crittenden for commutation of Bohannon's death sentence to life imprisonment. Meanwhile, Sheriff Orchard, Deputy Gaddy, and town officials began planning the process of execution.

George Bohannon, said to have recovered from a case of jaundice, told visiting relatives that he had no money or important friends and expected to die on April 21. But he had not entirely given up hope. Sheriff Orchard and jailer Gaddy found smoke filling every nook and cranny of the jail on April 9, and discovered a mattress on fire. The bedding belonged to Burr Evans, an insane man, but Bohannon was the only prisoner who had matches, so it was supposed that he intended the fire as a diversion, hoping for a way to escape

during the excitement. But no opportunity came, and the prisoners, who included a runaway youth as well as Bohannon and the insane man, were pretty well smoked. Bohannon quipped that he thought he was about to be cheated out of a few of his remaining days. Only a week later, he got possession of a hammer and a chisel. The tools belonged to jailer Gaddy and had been somehow secured by a young prisoner named Young, charged with burning fences. Bohannon forced open his cell door and got into the central hall. Only the main door of the jail barred his escape when Deputy Gaddy discovered him.

Meanwhile, Sheriff Orchard ordered four poles twenty-six feet long for the scaffold. They were planted in a large open field forty rods west of the Rolla cemetery. The location was reported by the New Era to have been a former brewery site; today it would be in the vicinity of the Southbrook neighborhood south of Highway 72. The scaffold's floor and lever-operated trap door were twelve feet above the ground. A special hangman's rope arrived by train from St. Louis. There was still no response from Gov. Crittenden. There never would be.

On April 20, Rolla Mayor W.G. Pomeroy, incidentally also Bohannon's former co-counsel, appointed twenty special police to keep order in the city during the day of the execution. Sheriff Orchard summoned a guard of fifty-five men, armed them with muskets from the armory in the courthouse, and placed them under Pleasant



The Old Phelps County Jail (1860-1912), where George Bohannon spent the last seven months of his life. The Old Jail is about a half block from the Old Courthouse and is an interesting addition to the museum and courthouse tour. Photo by Jan Primas.

Gaddy and Charles Totsch as an escort for the prisoner. The mayor decreed the closing of all saloons on the Thursday night before the execution to the Saturday morning following. The National Bank of Rolla and public schools were to close on the day of the hanging. Mayor Pomeroy also recommended that parents keep all juveniles home that day.

April 21 was a fair spring day. As it dawned great crowds collected at the jail and at the roped-off scaffold site. When Bohannon got up that morning, Sheriff Gaddy gave him a new black suit. George complained that it didn't fit, but admitted that it didn't much matter. He ate breakfast heartily, and acted as though he was about to embark on a rafting trip rather than eternity. An affecting scene took place when the prisoner and his mother met for last time. Relatives took her away in a swooning condition. When the sheriff refused to let Mary Bohannon into the jail for a last private visit with her husband, she stood in the jail yard moaning and screaming until a brother took her away.

As ten o'clock approached, downtown Rolla was closed up and deserted by all save a pedestrian or two, dawdling store clerks, farm teams, and a few sleepy dogs. At 10:07 a.m., Bohannon and the execution party emerged from the jail. They filed

through a double row of guards carrying Springfield rifles charged with buckshot, then climbed into a closed carriage driven by an African American liveryman. Bohannon was placed in front with the driver; Sheriff Orchard, Deputy Gaddy, and Rev. W. P. Bond of the Baptist Church climbed in back. The guard formed a hollow square enclosing the neighboring sheriffs and newspapermen, then the group proceeded on foot behind the buggy. The buggy made its way along Second Street to the southeast corner of courthouse square, then turned south to the gallows field.

The execution party made its way through a crowd estimated to have numbered as many as 3,000. Editor Walbridge Powell of the *New Era* reported that the crowd was composed mostly of women. Hucksters' stands for lemonade and peanuts ringed the crowd, and photographer Frank Guild of Lebanon had set up his camera to make souvenir stereoviews of the event. The sheriffs of Dent, Maries, Pulaski, and Texas counties were on hand at the invitation of Sheriff Orchard. Bohannon climbed the scaffold with Sheriff Orchard, Deputy Gaddy, and Rev. Bond. The minister exhorted the crowd, then led the singing of "Show Pity, Lord, Oh Lord Forgive," after which a prayer was offered. Bohannon remained seated on a valise

containing the rope and a black robe and cap. An "oppressive silence" ensued after the prayer as the sheriff and deputy busied themselves with the rope. Just then a German citizen jumped over the rope and dashed up the gallows steps. He thrust a piece of paper toward Rev. Bond, saying in broken English that it was a presidential pardon. The note read in poor German: "Is a person to be buried alive and hung also. I cheerfully remain Fritz Pfannkuchen." Sheriff Orchard refused to take the note and the addled Pfannkuchen was pushed away from the gallows.

Bohannon watched without the slightest waver as the sheriff and deputy adjusted the rope for the fall. Whatever were George's faults, cowardice was not among them. The sheriff then read the death warrant and asked Bohannon if he had any last words. The condemned man stood and replied firmly: "Gentlemen, ladies, and friends: I am here today to be executed. I am willing to die, but wish to say I am not guilty as charged. I am not afraid to die. I will bid you all good bye, and I hope to meet you in a better world. This I hope and pray to all of you, and this is my speech." Finishing his remarks, Bohannon stepped onto the trap door. The sheriff and deputy pinioned his hands and fastened the black cap over his head.

The noose was adjusted again. The sheriff shook the condemned man's hand, stepped to the lever, and said, "George, are you ready?" Bohannon said, "Yes," then added, "Oh Lord be merciful to me, a sinner." He repeated this and started again when Sheriff Orchard sprung the trap precisely at 11:00 A.M. Bohannon dropped seven feet. Spectators knew by the sound and from the spasm that shook his body, that his neck had been broken. At the drop, screams came from all parts of the crowd; several women swooned. There were tears in many eyes, although apparently not in Bohannon's. He had never quite expressed sorrow or contrition for his murder of William Light, although the *New Era* credited him with feeling more remorse than did the *Herald*.

Doctors Carpenter and Huyette examined the body at seven minutes after the drop, and again at ten. They pronounced Bohannon dead at 11:20 A.M. The body was cut down from the gallows and delivered to his stepfather, Robert Melton, for burial at the new Pea Ridge Cemetery (also known as Roach Cemetery). As soon as the body was cut down, the crowd rushed for the rope, which was cut up into six-inch pieces and given entirely away. The rope around the gallows that had restrained the crowd also disappeared, but was returned a week later with an

Judge Long

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Pepsi

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City of St. Robert

Waynesville Technical Academy
will become
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Waynesville
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Computer Ed-Motorcycle Safety
EMT- Paramedic-CNA
Adult Welding-Kids Chef Academy
Massage Therapy

810 Roosevelt Waynesville, Missouri
573-774-6106
slewis@waynesville.k12.mo.us

old valentine addressed to Sheriff Orchard attached to it.

Both Rolla newspapers had devoted considerable ink to the Bohannon case in the eight months that it took for justice to grind. The *Herald's* editor H. S. Herbert and associate C. M. McCrae visited the jail many times and seem to have had some sympathy for the young man. Herbert implied that the loss of Bohannon's natural father and his own later indulgence in alcohol assured his date with the hangman. He wrote that the moral taught by the Bohannon hanging was the importance of the proper early training of children; the evil results of an abandoned and dissolute life; and the certainty of punishment. But surely Herbert did not have much hope when he concluded, "May we never have to record the commission of another murder in our midst." *New Era* editor Powell did not get as close to Bohannon. In his conclusion, Powell thanked Sheriff Orchard and Deputy Gaddy for conducting the execution as scientifically as though they had long experience in this sort of unpleasant duty. It was said later that Sheriff Orchard never got over the experience.

There were some at the time who believed Bohannon's punishment was extreme, and there was more grumbling after J.R. Bowman was acquitted of the murder of William Hayes in St. James. The wealthy and prominent fare better than lower class poor as defendants in capital cases. Bowman was a former county official with money, while Bohannon was a tie rafter, an occupational group generally considered to be a bunch of rowdy toughs. It is not known if Bohannon's attorneys were hired by him or were supplied by the court. Although his lawyers were good enough to get him a second trial, they were unable to convince two juries that the murder charge was less than first degree. It was Bohannon's misfortune to be tried in Phelps County, where a local fight over saloon licenses and prohibition had been brewing for years. Ultimately, wets and drys clashed in legal action that caused a collapse of municipal government in Rolla in 1887 and 1888. Whether or not the jurors were temperance advocates, they may have been in an ugly mood generally about shootings. President James A. Garfield died September 24, 1881, just after George Bohannon had been jailed, of gunshot wounds received from an assassin on July 2. Additionally, the local controversy surrounding the Bowman case in St. James may have hurt as much as it helped Bohannon.

George Bohannon is remembered now for the dubious distinction as the object of the first and only person hanged by Phelps County. He was a tie rafter and may well have been a drunken rowdy, but it is difficult to see

him as an evil creature. Court records do not bear evidence of George's "dissolute life." In fact, his name does not appear in Phelps County Circuit Court dockets until he is charged with first degree murder. Nor do the names of his brothers, although James and Silas (other brothers who had not attended the Poole Hollow picnic) all came before the court on separate charges in the years following George's hanging. Luke got into the most serious trouble, but eventually he married Lisa Coffee and raised a family near Newburg. His brother James lived with them all his life. Silas moved away and disappeared; Carter, whose .32 caliber American Eagle self-cocker pistol in George's hands killed William Light, moved to Oklahoma and never returned to Phelps County.



The form in the cell at the jail, said to be Bohannon's with arms outstretched. Courtesy of Gene McFarland

As in many murder cases, the person least remembered historically is the victim, William Light. It is not even known today where his burial place is. Light's friends probably called him Bill or Will, but he is forever William in newspaper accounts and court documents. The John J. Watts collection of genealogical records shows him as a son of Gilman Light, a Union soldier killed in Arkansas during the Civil War, and Rebecca (Dykes) Light, born in 1859. A recent family history has William as the ninth son of Joshua and Polly Light. By this account, Gilman Light was an older brother. This family history also shows Light's older sister, Melvina, born in 1853, as the wife of William H. Bohanan. If the dates are correct, and if "W. H. Bohanan"

was actually Hance Bohannon, the histories of the Light and Bohannon families had already been intertwined for a decade. William Light had married and fathered a child, beyond that he left little mark except in reference to George Bohannon. Light was described as a "steady, inoffensive fellow of about 21 years of age, but of sufficient animation to resent an insult when deliberately offered." He didn't know that day outside of the cave that liquor was talking or that George was carrying a gun. Had he known, he might have let Bohannon's insult pass. And had he lived, Light might have made a name for himself as a farmer or merchant, even as a fiddler.

In 1887, the *Rolla Herald* reported that a mysterious ball of fire had been seen moving across the field west of the

CAPITAL PUNISHMENT THEN AND NOW: A BRIEF LOOK AT THE CHANGES IN CAPITAL MURDER TRIALS

By Charles D. Hoskins

A murder that shocks the community. A statewide manhunt. High-profile trial. Notable defense counsel. A zealous prosecutor. Media frenzy. One might think this describes a report from Los Angeles or New York on today's evening news. However, these events actually happened almost one hundred and twenty years ago in Phelps County. The trial and subsequent execution of George Bohannon for the murder of William Light on August 17, 1881, is noteworthy as the first and only public execution by a civil authority in the history of Phelps County. However, examining the reports surrounding the case, one must wonder whether George Bohannon would have met a similar fate today.

There are several similarities between Bohannon's trial in 1881 and a death penalty trial today. Three very notable similarities are the number of defense attorneys, the method of appeal and the reason for the reversal of the sentence. First, both the American Bar Association and the National Association of Criminal Defense Lawyers have established guidelines for the representation of defendants in capital murder cases which mandate two attorneys on each case, one to handle each phase of the trial. These guidelines have been adopted by the Missouri State Public Defender Capital Litigation Division, and are the standard for death penalty trials in Missouri. Second, the appeal from a death verdict is still taken directly to the Missouri Supreme Court. Third, instructional error continues to be the leading cause of reversible error in criminal trials. It is also interesting to note that the unfavorable comparisons between defendants based on their social class, such as those drawn between Bohannon and Bowman, continues to be an issue in the death penalty debate today.

However, the differences between capital cases then and now are what would most affect George Bohannon. The intervening 120 years have seen extensive modification of the statutes and case law surrounding capital punishment. In 1881, Murder 1st degree was "willful, deliberate and premeditated killing" for which the sole punishment was death. Chapter 200, Section 1, Revised Statutes of Missouri, 1865. This meant that upon a jury's finding of guilty, the automatic penalty was death.

In 2001, Murder 1st degree is essentially the same, requiring that the defendant knowingly cause the death of another person after deliberation on

Rolla cemetery. Some folks were sure that it was Bohannon's ghost, but if his spirit made his appearance again, no one reported it. For many years, the anthropomorphic outline of a man was carved into the plaster of Bohannon's cell in the old Phelps County Jail. Local legend has always held that it was George's outline, but the carving in the plaster was not mentioned by the *Rolla* newspapers at the time. Gene McFarland photographed the carving in the cell during a Boy Scout expedition in the 1950s, but the plaster has shelled off the wall in the intervening years. Gene's photograph may be the only documentation of that bit of Bohannon lore.

the matter. Section 565.020.1, Revised Statutes of Missouri, 2000 (hereinafter RSMo.2000). However, today "the punishment shall be either death or imprisonment for life without eligibility for probation or parole, or release except by act of the governor." (Section 565.020.2 RSMo.2000). Furthermore, the trial of a capital case is now divided into separate phases, guilt and penalty. After a defendant is found guilty, the jury hears additional evidence and must consider whether this evidence warrants imposing the death penalty.

Generally, in order to impose the death penalty, the jury must find the existence of at least one of seventeen possible aggravating circumstances and that they are not outweighed by mitigating circumstances (Section 565.030-.032 RSMo.2000). Aggravating circumstances include the defendant having a prior conviction for murder; the victim is a law enforcement officer or judicial official; the murder results in the course of a jail break, sex offense, robbery or highjacking; the victim was a witness in a prosecution; or the murder was outrageously or wantonly vile, horrible or inhuman in that it involved torture, or depravity of mind. Mitigating circumstances include a defendant's lack prior criminal activity; that the defendant was acting under the influence of extreme mental

or emotional disturbance; impairment of the defendant's capacity to understand the criminality of his conduct; and the age of the defendant.

It is unlikely that George Bohannon would have faced the death penalty, much less received it, if the murder had occurred in 2001. First, the prosecutor would compare the aggravating circumstances to the facts in the case. In Bohannon's case, only one aggravating circumstance, depravity of mind, seems to apply, and it is questionable whether he could prove that. Furthermore, Bohannon's lack of a significant

criminal history and evidence of his extreme intoxication could be used to mitigate the imposition of the death penalty. These factors would weigh heavily in the prosecutor's decision about whether to seek the death penalty. Even if the prosecutor did seek the death penalty, he would have to convince a jury of twelve citizens beyond a reasonable doubt that it was the appropriate penalty for Bohannon. Considering the varied reactions and seeming sympathy in the community for Bohannon, it is unlikely that a jury today would sentence him to death.

Although the reasons for the foregoing changes in the system are well beyond the scope of this article, suffice it to say that the passage of time has seen the implementation of greater safeguards and stronger systems of review when the State wishes to impose upon one of her citizens the ultimate price for the violation of her laws.

Charles D. Hoskins, Rolla Attorney and District Defender of the District 25 Office of the Public Defender.

SOURCES

The spelling of the surname Bohannon varies considerably in the sources, but this spelling seems to be the one George used. His middle name was not used in any of the contemporary reporting or in court documents, but the record of his marriage to Mary Ann Thomas on April 10, 1881, shows him as "George Shelvey Bohanan." The *Rolla New Era* and especially the *Rolla Herald* reported extensively on the Bohannon case and are the basic primary sources for the story.

Phelps County Circuit Clerk Carol Gaddy provided the original Bohannon case file containing the testimony of witnesses at the preliminary hearing. Carol also provided access to court docket books. Genealogical information (some of it conflicting) on the Light and Bohannon families may be found in the John J. Watts collection of genealogical records at the Western Historical Manuscript Collection, University of Missouri-Rolla; Clair V. Mann, *The Story of Rolla* (Rolla, Mo.: Rolla Bicentennial Committee, 1974); and in Volume 1 of *Phelps County Missouri Heritage* (Rolla, Mo.: Phelps County Genealogical Society, 1992). Barbara Pugh and Gene McFarland of Rolla also contributed information for this story. The photograph of the Bohannon brothers was donated to the Phelps County Historical Society by Spur Maxwell, a Bohannon descendant. The original view is a tintype. Stereoviews of the hanging made by photographer Frank Guild are said to exist, but they have not been located. Both the Old Phelps County Courthouse and Old Jail still stand. The Old Jail, on Park Street directly across from the construction site for the new jail, was built in 1860 and may be the earliest building yet extant in Rolla. Along with the Old Courthouse, the Old Jail is listed on the National Register of Historic Places. Bohannon's cell is on the north side of the first floor. George was buried in the Pea Ridge or Roach Cemetery near Doolittle. He is still there, so far as anyone knows, but his grave marker has disappeared.