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Article Summary: Four men convicted of violent murders committed between 1888 and 1890 were all hanged in Nebraska in 1891, although multiple executions in the state in a single year were exceptional. The author describes the crimes, arrests, trials, and deaths of the four men.

Cataloging Information:

Names: Edward Neal, Albert Haunstine, Hiram Roten, William Ashley, Luella Collamore Haunstine, Charles Penn, Charles Parkhurst, Robert Thayer, James B Jones, Charles Shepard, Christian Furst, Carlos Pulsipher, James Boyd, Thomas Milliken, Allen Jones, Dorothy Jones, William Jackson "Jack" Marion, George Morgan, Gottlieb Niegenfind

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Photographs / Images: crowd gathering for the execution of Edward Neal (2-page view); Albert Haunstine, who murdered two sheriff's deputies; inset article about Haunstine's crime (*Chester County Republican*, Nov 15, 1888); Custer County Sheriff Charles D Penn, who held Haunstine in custody until his trial; crowd watching as the noose is placed around Haunstine's neck; inset article describing the hanging of Haunstine (*Custer County Republican*, May 21, 1891); Carlos Pulsifer, murdered by Charles Shepard and Christian Furst; grain elevator owned by Pulsifer; artist's sketches of Shepard and Furst (*Fremont Weekly Herald*, June 6, 1891); inset article describing the executions of Shepard and Furst (*Fremont Weekly Herald*, June 6, 1891); artist's sketch of Edward Neal, who murdered Allan and Dorothy Jones (*Omaha World-Herald*, Oct 11, 1891); inset article describing the hanging of Neal (*Omaha Daily Bee*, Oct 10, 1891)

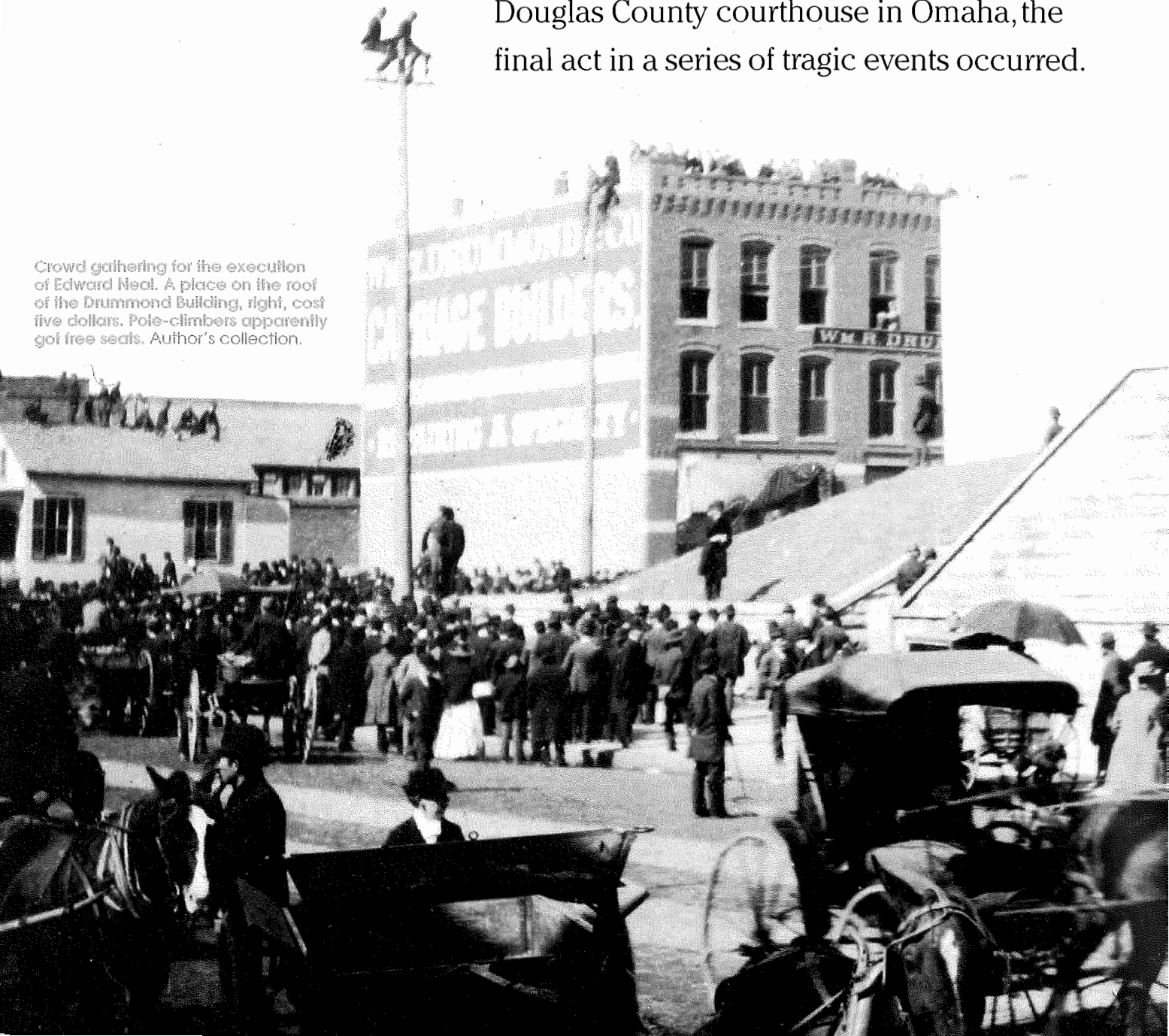
Altogether a Horrible **SPECTACLE**

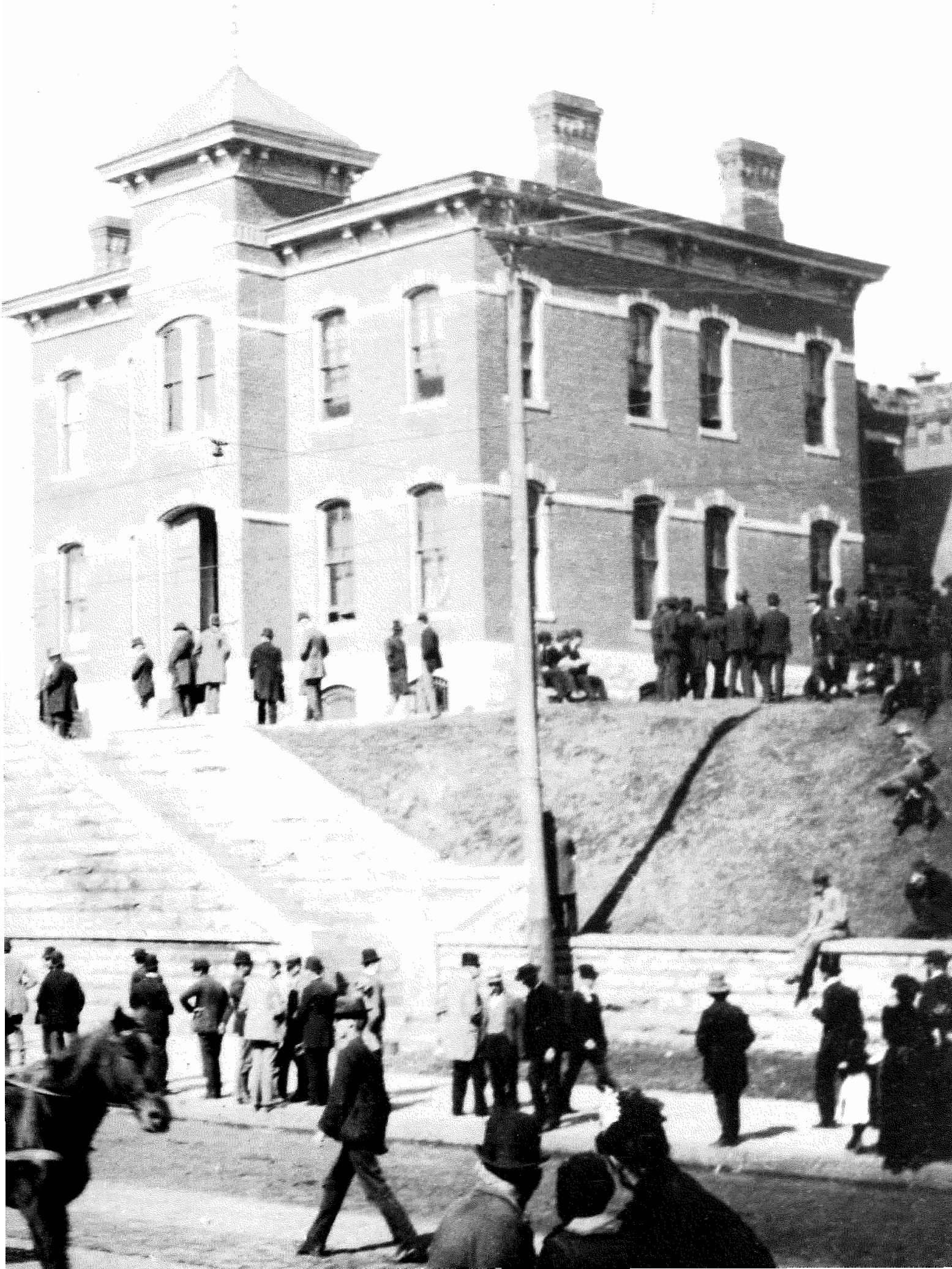
Public Executions in Nebraska, 1891

BY STEVEN J. RAMOLD

On October 19, 1891, inside a temporary stockade built at the southeast corner of the Douglas County courthouse in Omaha, the final act in a series of tragic events occurred.

Crowd gathering for the execution of Edward Neal. A place on the roof of the Drummond Building, right, cost five dollars. Pole-climbers apparently got free seats. Author's collection.





EDWARD NEAL ENTERED THE ROOM. His hands were crossed before him as he stepped out into the fresh air, the first time he had inhaled it...since he was convicted. Neal read a statement in which he confessed his crimes, and then the executioner placed him on the gallows trapdoor. His breathing became heavy and his face became ghostly pale... [his] hands were...shackled...the black cap was drawn over his head. The noose was placed around his neck. Sheriff [John F.] Boyd pulled the lever, Neal disappeared from the surface of the scaffold.¹

Like many western states in the nineteenth century, Nebraska not only practiced capital punishment, but also carried out the death penalty in public and in the county where the offense took place. The execution of Edward Neal was the third public hanging in Nebraska in the summer and fall of 1891. In the six months from May through October Nebraska sheriffs executed four men convicted of five murders.

In a typical year, however, only a single public execution might take place. In many years there were none at all. The rapid development of the state meant that the frontier violence portrayed in so many later Hollywood epics was not the norm in Nebraska, and only fourteen men were executed in Nebraska between 1867 and 1900.²

The multiple executions of 1891 stand out as an aberration. Moreover, the 1891 executions were not the result of a sudden crime wave but simply a matter of coincidence. The crimes that led to the executions took place over a long period of time, but factors such as the number of appeals caused the time between conviction and execution to vary, and as the three cases worked through the legal system, the four men ran out of options at about the same time.

Despite the differences in the crimes committed, the three 1891 executions have some elements in

common. First, all three took place in counties trying to live down embarrassing lapses in their recent judicial history, and local authorities wanted the executions to demonstrate that past failures would not be repeated. All three counties also had to deal with the issue of capital punishment, contentious then and now. Although capital punishment was the law of the land, some Nebraskans opposed it and used the executions as opportunities to promote their cause. Finally, all parties associated with carrying out the executions had to deal with the ethical issue of whether or not it was possible to execute a condemned criminal humanely. As the 1891 Nebraska cases demonstrate, hanging, the standard execution method at the time, was far from perfect, and botched executions called into the question the appropriateness of the death penalty.

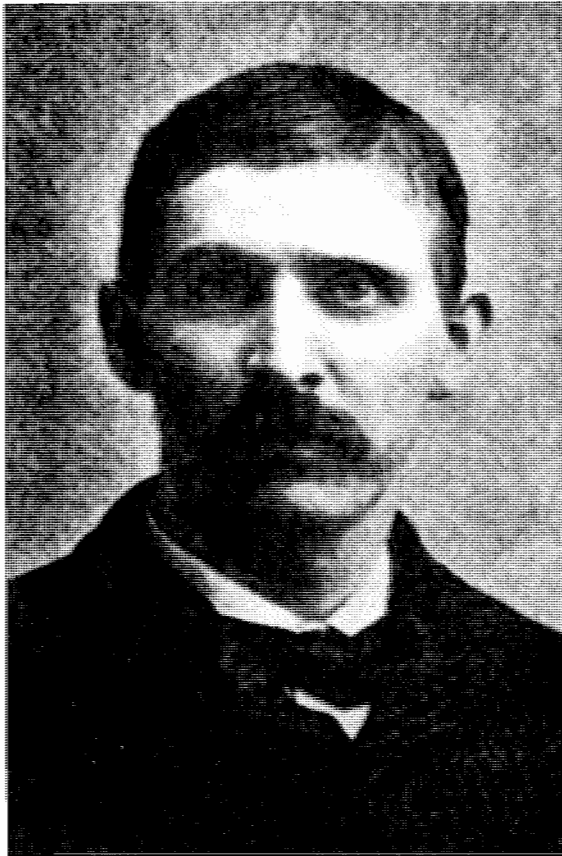
The first execution was the result of a double murder on November 9, 1888 in Custer County when Albert Haunstine killed two sheriff's deputies, Hiram Roten and William Ashley. Murder was nothing new in Custer County. The region was still trying to forget the clashes in 1878 between homesteaders and cattle ranchers that resulted in the lynching of two homesteaders and the mutilation by burning of both bodies.³ At the time Roten and Ashley were killed the Custer County sheriff was investigating two other suspected murders, but it was a rash of lesser crimes that led directly to the murders of Roten and Ashley.

Albert Haunstine emigrated with his parents from his native Germany to Newark, Ohio, in 1875. In 1886, Haunstine followed his brother to south-central Custer County, Nebraska, where he staked a homestead and, the following year, married Luella Collamore, a resident of Loup County where Haunstine was a railroad worker.⁴

Haunstine's farm did not prosper as he had hoped, and the couple was always short of resources. At about the same time, a series of petty burglaries was occurring in that part of the county. Someone was breaking into rural schools, churches, and farmhouses while the occupants were absent, taking a few objects and whatever small amounts of cash could be found. Rumors circulated among the area farmers that Haunstine was responsible for the crimes, rumors that he attributed to prejudice against his German background. Whispers and rumors developed into public accusations, and Haunstine eventually consulted with several attorneys about bringing a slander suit against his accusers.⁵

Events came to a head on November 9, 1888. A

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Albert Haunstine, a German immigrant, had been the subject of rumors about a series of Custer County burglaries. On November 9, 1888, he murdered two sheriff's deputies who came to his farm to investigate a school break-in. Solomon D. Butcher, *Pioneer History of Custer County*.

burglary occurred at a school in an area known as Roten Valley, and Hiram Roten and William Ashley arrived to investigate. Besides serving as sheriff's deputies, Ashley was a director of the school and Roten was a member of the school board. Haunstine would later claim that Roten was one of his best friends. The investigators found a clear set of wagon tracks in the recently fallen snow—tracks leading directly to Albert Haunstine's homestead.

According to Haunstine's subsequent testimony, he confessed to the schoolhouse burglary when confronted by Roten and Ashley and turned over to the deputy a clock he had taken. Haunstine then invited the pair to sit down to dinner, but they declined and left the house, intending to return to the county seat, Broken Bow, to report their findings. Haunstine loaded his rifle, followed them outside, and shot them both in the back of the head. He then robbed the dead men of their money, concealed the bodies under a haystack, hid their horses in an abandoned sod house

A HORRIBLE MURDER IN ROTEN VALLEY.

**TWO DEPUTY CONSTABLES, HIRAM ROTEN
AND WM. ASHLEY, SHOT DOWN LIKE
DOGS AND THEIR BODIES CONCEALED
UNDER A BUNCH OF HAY, BY ALBERT
E. HAUNSTINE, LAST FRIDAY, NOVEM-
BER 9.**

Custer County Republican, Nov. 15, 1888

nearby, and prepared to flee the scene. Haunstine originally planned to flee alone, leaving his wife to provide a cover story for his disappearance, but Luella, perhaps unwilling to face the consequences of her husband's actions alone, insisted upon leaving with him.⁶

Three days elapsed before search parties discovered the grisly scene at the Haunstine homestead, leaving County Sheriff Charles Penn scrambling to organize pursuit. Penn sent out

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descriptions of the fugitive couple by telegraph, and, concluding that they had most likely fled south or west, organized search parties that fanned out in those directions. Penn was soon flooded with possible leads, including one from a sheriff in Utah who wired that he was holding a couple fitting the Haunstines' description. That lead came to nothing, and the search parties failed to locate the couple.⁷

Instead of fleeing south and west, the Haunstines had headed northeast. Traveling under an alias and short of cash, they paused in Madison, about 170 miles northeast of Broken Bow, where Albert



Haunstine was arrested on a train near Columbus and turned over to Custer County Sheriff Charles D. Penn, right, who intended to hold him for trial in Broken Bow. A threatening lynch mob, however, forced Penn to move the suspect to Ansley and then York. Solomon D. Butcher, *Pioneer History of Custer County*.

husked corn to earn enough money to continue their flight. On November 22, Haunstine's flight from justice came to an end. G. W. Davis, a horse dealer from O'Neill who moonlighted as a bounty hunter, happened to be in Madison pursuing a horse thief. Davis, canvassing the area for leads, showed a farmer the description of the Haunstines as an afterthought. The farmer recognized the couple and their horses and buggy as well. Convinced that Haunstine was nearby, Davis rushed to the train station, where the station agent confirmed that a couple matching the Haunstines' description had boarded the train for Columbus.

Davis sent a telegram to William Bloedorn, the Platte County sheriff, who, with deputy C. M. Taylor, flagged down the train half a mile north of Columbus. Having boarded the train unnoticed, the sheriff made a car-by-car search, approached Haunstine unseen, and arrested him where he sat, his rifle resting in his lap. Haunstine believed that if he ever faced arrest it would be by Sheriff Penn of Custer County, and he did not suspect the approach of a stranger bent on arresting him. If

he had, Haunstine later claimed, he would have made a more violent effort to escape, as he "preferred to be taken dead rather than alive."

He nearly got his wish. Sheriff Penn took custody of the fugitive in Columbus intending to hold him in the county jail in Broken Bow. A large lynch mob gathered, however, forcing Penn to hold Haunstine in the Ansley city jail temporarily and then in the York County jail until he could ensure Haunstine's safety in Broken Bow.

Luella Haunstine's father posted a two-thousand-dollar bail, and took her back to Loup County to await her part in the subsequent proceedings. While awaiting trial, Haunstine made several boastful confessions of his crimes, confessions he later recanted.⁸

On March 27, 1889, only four months after the murder, Haunstine went on trial before County Judge William Gaslin on two counts of first-degree murder. Haunstine was represented by three private attorneys, C. L. Gutterson and A. R. Humphrey of Broken Bow, and N. V. Harlen of York. Custer County also had to employ an attorney as lead prosecutor, because County Attorney H. M. Sullivan recused himself. Sullivan had been one of the attorneys Haunstine consulted when he was considering a slander suit against those spreading rumors about him, and Sullivan did not want to risk the appearance of a conflict of interest. The county hired Thomas Wall of the Loup City law firm of Blair & Campbell to present the prosecution's case.⁹

Although the trial lasted but three days, it was not without both drama and peculiarities. Recanting his earlier confessions, Haunstine claimed he had merely been boasting, and reporters had manufactured most of the "facts" in the confessions to sell newspapers. Haunstine and his attorneys seized upon the crucial fact that there were no witnesses to the crime. The defendant claimed he was the victim of a long period of abuse from the murder victims, including the rumors that he was the perpetrator of the burglaries in the area. Haunstine further claimed that the dead men had attacked him personally, by sabotaging his farm and poisoning his horses.

Haunstine's defense is a curious one. He claimed the shootings were justified by the slanderous rumors that he was the local burglar, but he was guilty of at least one of the burglaries, and the defense claim that he had killed Roten and Ashley to protect his personal honor does not ring true. Haunstine also offered no evidence of any personal attacks against him or his property.

He appears to have been simply engaging in the time-honored technique of attacking the victims, who could not defend themselves, to divert attention from his own guilt.

Haunstine's strategy failed, however, when the prosecution produced a witness to the crime: Luella Haunstine. Under Nebraska law Luella could not testify against her husband unless she herself was also under jeopardy of prosecution for the same offense. Thus by naming Luella Haunstine a future defendant in the same murders Thomas Wall could compel her to testify, whether or not he actually filed charges.

Luella Haunstine's testimony was damning. Although she did not see the shooting, Luella confirmed many of the facts from Haunstine's recanted confessions, including the arrival of Ashley and Roten, the surrender of the stolen clock, the offer of dinner to Ashley and Roten and their refusal, and, most important, Haunstine's departure from the house, rifle in hand, immediately after Ashley and Roten left. Events culminated, according to Luella's testimony, with her hearing "reports of the shots about half an hour after dinner."¹⁰

The jury deliberated less than a day before returning a verdict of guilty, and Judge Gaslin sentenced Haunstine to hang on September 6, 1889. Haunstine filed two appeals to the Nebraska State Supreme Court, however, postponing the execution for nearly two years. The first appeal was the standard breach-of-due-process appeal filed in nearly every death sentence, and in due time the state supreme court rejected it.

Haunstine's second appeal questioned the validity of testimony offered by his wife. Citing the fact that Custer County never filed murder charges against Luella, Haunstine claimed that his wife should not have testified against him, and therefore her testimony was inappropriate and illegal. The state supreme court wrestled with that issue a bit longer than with the first appeal, but in the end rejected it, concluding that Luella Haunstine had been in jeopardy at the time of her testimony, regardless of the subsequent decision not to try her for the murders.¹¹ Haunstine had run out of options, and the supreme court set his execution date for April 17, 1891.

Getting Albert Haunstine onto the gallows was easier said than done. As his execution date neared, he began to exhibit signs of insanity. In addition to periods of silence and melancholy, he claimed to see the ghosts of his two victims and made at least two half-hearted attempts at suicide.

Nebraska law did not permit the execution of the insane, so Haunstine's execution could not go forward until his mental state was determined within a reasonable doubt.¹²

Many Custer County residents had their doubts about Haunstine's purported insanity. Although he could have faked his symptoms to delay his hanging, he had been in solitary confinement in tiny jail cells for nearly thirty months at that point, and his insanity could have been real. On April 14, 1891, only three days before the scheduled execution, District Judge Joseph Hamer convened a hearing, seated a jury, and called the prosecution and defense counsels into court to determine whether Albert Haunstine was insane.

Death penalty opponents saw their opportunity not only to save Haunstine's life, but also to promote their cause. Organized by members of the Broken Bow chapter of the Nebraska Woman Suffrage Association (NWSA), several private citizens testified on Haunstine's behalf, although less about his mental state than about their own objections to his impending execution. The most prominent Haunstine supporter was the Reverend Charles Parkhurst, the famed late-nineteenth-century social reformer noted for his efforts to end moral corruption in New York City.¹³

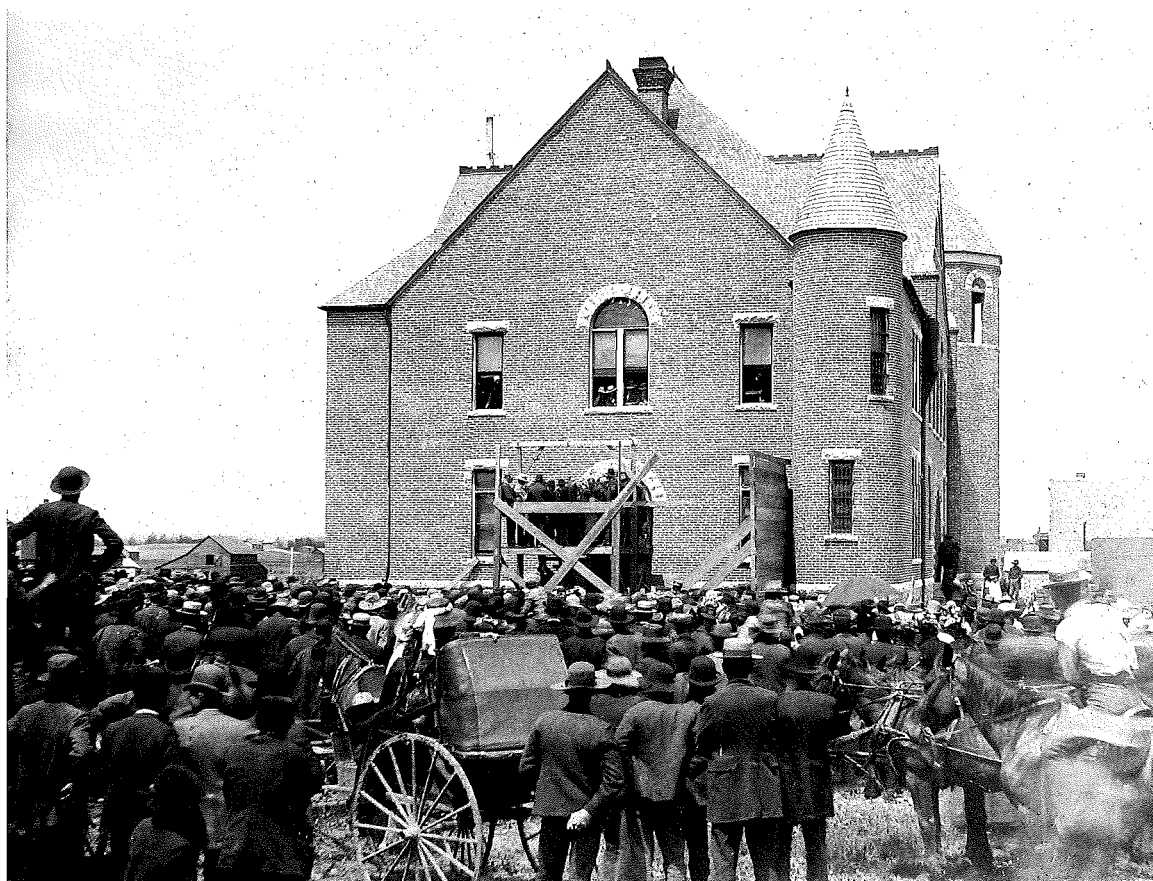
The prosecution countered with the opinions of several mental health professionals, including Dr. James Carter, a physician at the Nebraska State

HAUNSTINE'S STRATEGY FAILED, HOWEVER, WHEN THE PROSECUTION PRODUCED A WITNESS TO THE CRIME—LUELLA HAUNSTINE.

Penitentiary, and Dr. William Knapp, superintendent of the state insane asylum. In their opinion, Haunstine was sane, and his symptoms were an attempt to avoid the hangman. The twelve-man jury concurred, and Haunstine's execution went ahead as scheduled.¹⁴

On the assumption that Haunstine's mental state would not delay the execution, workers continued to assemble the gallows upon which Haunstine was to die even as the insanity hearing was going on; the hammer blows could clearly be heard in the courtroom. Rather than build a new gallows, Custer County had borrowed one from Hall County. It had been constructed in 1884 to hang convicted murderer George Hart, but his

Although distance from the subject makes seeing details difficult, Solomon Butcher's dramatic photograph of May 20, 1891, shows remnants of the barrier torn down by the crowd and the noose being placed around Albert Haunstine's neck. NSHS RG2608-5224



conviction was modified to life imprisonment in the state penitentiary, and the gallows was never used.¹⁵

The workers also built a wall around the gallows to conceal it from view at street level. The construction represented an odious process to death penalty opponents. Among them was Mary Douglas, who worked in the county clerk's office and described the activity going on just outside her window:

"As the nails were being driven. . . I shuddered as I thought that a human being was to be suspended from that great beam. . . The thought recurred to me so often, why is it men are so cruel to each other—wolfish in nature, seeking to destroy their own kind. . . When will there be no law in Nebraska permitting men to cruelly take the life of each other to avenge a wrong? . . . I trust that the fair name of Nebraska may never be blotted again by another so-called legal execution."¹⁶

Even the construction of the gallows, however, could not ensure that Haunstine would be executed as scheduled: Failing to save him at his insanity trial, the Nebraska Woman Suffrage Association appealed directly to Governor Robert

Thayer for assistance, and Thayer complied, issuing a thirty-day stay of execution on the very day Haunstine was to be hanged. The news caused outrage in Broken Bow, where relatives of the murdered men led a lynch mob that tried to force its way into the county jail. Appealing to the crowd for law and order, Judge Hamer himself stood in the doorway and talked the mob's leaders into dispersing by promising to personally take up the issue of Haunstine's guilt with Governor Thayer. The crowd dispersed, placated by the promise that justice would be done thirty days hence.¹⁷

Finally, on May 20, 1891, two and a half years after the death of Hiram Roten and William Ashley, Albert Haunstine faced the executioner. A second last-minute appeal to Governor Thayer fell on deaf ears. Haunstine had run out of time, although his supporters continued to plead for his life. Mrs. Olive Corey, chairperson of the NWSA, even offered to take Haunstine's place on the scaffold, claiming, "If the demands of the law of man must be life for life, I will take the condemned man's place and you can take my life. Jesus laid down his life for me. . . and I am willing to do [so] for others."¹⁸ Her offer was not accepted.

In an effort to preserve decorum, Sheriff James B. Jones (Sheriff Penn had retired the previous year) added a barbed-wire barrier outside the stockade around the scaffold. The rowdy and largely intoxicated spectators were in no mood to have the spectacle denied them, however, and toppled the stockade minutes before Haunstine was to appear. Jones considered postponing the execution, but feared a riot might develop. Instead, Jones conferred with several of the crowd's leaders, and, upon receiving a pledge

Deputies removed the body from the scaffold and turned it over to Haunstine's brother, who, under the cover of darkness, took it back to his homestead and buried it there, a few miles from the crime that had cost Haunstine his life.²⁰

In subsequent days, the *Custer County Republican* expressed a mixed reaction of satisfaction and revulsion. On one hand, the paper clearly felt that Haunstine's crime merited the severe punishment he received. Editorials the day after the execution recounted at length the "monstrous acts committed by Haunstine upon. . .distinguished citizens of this county."

The behavior of the crowd, however, elicited the scorn of the newspaper's editors: "Few more revolting sights has assaulted my eyes. . .[than] the sight of the mob demolishing the stockade. . . for a clean view of the horrible proceedings within." On one hand, the writers hoped the execution would "impress upon the citizens of the land of the importance of law," while on the other hand seemed to sanction the rowdy behavior, shrugging off the drunkenness as "the inevitable result. . .of men who desire entertainment in a community who cannot accommodate them."²¹

The second execution of 1891 took place in Fremont, Dodge County, only two weeks after the hanging of Albert Haunstine, when Charles Shepard and Christian Furst were put to death for the murder of Carlos Pulsipher.²² Dodge County was still living down two botched capital cases, and hoped not to repeat them with Shepard and Furst.

Dodge County's first embarrassment stemmed from 1870, when Charles Smith, charged with murder, had escaped punishment by enticing the jailer into his cell with the offer of a friendly game of cards. Overpowering the jailer, Smith fled into the night never to be seen again.

Even more embarrassing was the 1878 case of Dr. Charles St. Louis. A prominent Fremont physician, St. Louis became weary of his wife and intended to slowly poison her to death. Mrs. St. Louis died faster than intended, however, and her sudden demise cast suspicion upon her husband, suspicion confirmed by an autopsy. Sentenced to die for his crime, Dr. St. Louis also eluded the hangman. The evening before his scheduled execution, St. Louis received a number of visitors, among them a female admirer. The young lady managed to smuggle a small pistol into St. Louis's cell, and the doctor cheated the hangman by taking his own life.²³

Shepard and Furst's crime was less dramatic.

THE EXECUTION.

**Albert E. Haunstine Pays the
Penalty of Murdering Hiram
Roten and Wil-
liam Ashley.**

ENCLOSURE AROUND SCAFFOLD BUILT
SO AS TO BE EASILY TORN
DOWN.

**The Condemned Man Calm, and
Meets His Death Resigned.**

THE ROPE BREAKS AND HAUNSTINE
FALLS TO THE GROUND, AND HAS TO
BE CARRIED ONTO THE SCAFFOLD,
THE SECOND ATTEMPT SUCCESSFUL.

**His Death Statement of the
Shooting.**

Custer County Republican, May 21, 1891

that they would stay beyond the barbed wire barricade, commenced the execution.

Haunstine mounted the scaffold alone. He spoke a few words, confessing his crime and announcing his readiness to die, and Jones bound him, positioned him, and pulled the lever. Haunstine fell cleanly through the trapdoor, but at the end of his plunge, the rope broke, leaving him sprawling in the dirt. The rowdy mob surged toward the scaffold, believing Haunstine's family was plotting to deny them the pleasure of seeing him die. Jones and his deputies drove the crowd back at gunpoint and restored order long enough to drag Haunstine back atop the scaffold. A second pull of the lever sent him through the trapdoor again, and this time his neck broke cleanly.¹⁹

*Haunstine fell cleanly
through the trapdoor,
but at the end of his
plunge, the rope broke,
leaving him sprawling
in the dirt.*

It was a simple case of robbery gone wrong. On December 10, 1889, Carlos Pulsipher, who operated a grain business in Crowell, Nebraska, closed up shop and began the short walk home.

Along the way, two men accosted him, demanded the moneybag containing the day's receipts, and, failing to get the cash, shot Pulsipher dead only a short distance from his home. Pulsipher's son, John, heard the three shots that ended his father's life, ran down the trail to his dead father, and observed two men fleeing down the road in the growing darkness. A search party began scouring the area the following morning. Although the searchers did not find them, Charles Shepard and Christian Furst were soon in custody.

Unlike Albert Haunstine, the two twenty-one-year-old men made no dra-

body, Shepard and Furst fled with less than twenty dollars.²⁴

The fact that Shepard was one of Pulsipher's killers was particularly tragic. Years before, Pulsipher had lived on a homestead not far from Shepard's birthplace. The night Shepard was born, Pulsipher volunteered to ride through a raging storm to bring a doctor to the Shepard residence to ensure that the boy survived.²⁵

Six weeks after the murder, on January 28, 1890, Shepard and Furst faced trial in Fremont. The case was far from open-and-shut. With the exception of their jailhouse confession, very little evidence tied the men to the crime. Shepard and Furst offered alibis for each other, prosecutors had neither eye-witnesses to the shooting nor the murder weapon, and John Pulsipher's testimony was less than concrete. In the post-dusk twilight, he had spotted two men fleeing down the riverbank, but could only state that he thought it was Shepard and Furst and could not offer any more definitive testimony. Two mistakes by the defense, however, led to the execution of Shepard and Furst.

First, the defendants hired separate attorneys (Shepard hired T. M. Franse of West Point, and Furst employed C. A. Hollenbeck of Fremont), who insisted upon separate trials. This was a huge mistake, because the prosecution, without a murder weapon and uncertain who fired the fatal shots, could use the accumulated evidence against each man in turn and obtain a first-degree murder conviction against each one of them. Had the men insisted upon a joint trial, the prosecution would have been forced to name one or the other as the shooter, leaving the other defendant to face a lesser charge as an accomplice. Instead, the prosecution presented identical evidence against both men, in each case claiming the defendant was the shooter, and got two first-degree murder convictions.²⁶

Second, instead of getting their stories straight and offering similar defense cases, Shepard and Furst pursued separate strategies. Shepard testified that he was in Crowell the night of the murder minding his own business when he got into a violent argument with Pulsipher, and shot the older man in self-defense. However, he could not clearly explain why he was in Crowell, why he was loitering near the Pulsipher residence, and what the argument was about. After a seven-day trial, the jury found Shepard guilty.

Furst's defense was even more bizarre. He originally claimed that he committed the murder in a fit of insanity, and was therefore ineligible to stand



On December 10, 1889, Carlos Pulsipher of Crowell, Dodge County, closed his business and began to walk home. Two men accosted him, demanded the day's receipts, and shot him when he did not produce the moneybag, which he had left in the office safe. Daniel M. Carr, ed., *Progressive Men of Nebraska: A Book of Portraits*, Dodge County Edition, 1902

IN COLD BLOOD.

**A Prominent Citizen of Crowell
Murdered for His Money
Near That Town.**

**Charley Shephard and Christ. Fuerst
Arrested and Jailed.**

**At six o'clock Tuesday evening Carl
T. Pulsifer, a prominent citizen of
Crowell engaged in the lumber and
grain business, looked his office door**

West Point Republican, Dec. 13, 1891

matic attempt to flee the region. After two days spent hiding in the countryside, they walked back to Crowell as if nothing had happened, only to be arrested. For their safety, authorities held them in the county jail in Fremont, where they offered a joint confession to assembled reporters. They admitted killing Pulsipher for the large amount of cash they presumed he was carrying, but the killing was for nothing: Pulsipher had left the moneybag in his office safe. After rifling his

trial. He had to rethink that strategy, however, when he could not find a single physician who would substantiate his claim or present any credible instances of insanity in the past. Furst's next defense thrust the case in a different direction: Furst claimed he was a hired assassin. Pulsipher had a long-standing squabble with Herman Diers, a Crowell hotel owner, over a disputed grain bill. Pulsipher had sued Diers, and Furst claimed that Diers hired him to settle his affairs with Pulsipher once and for all.

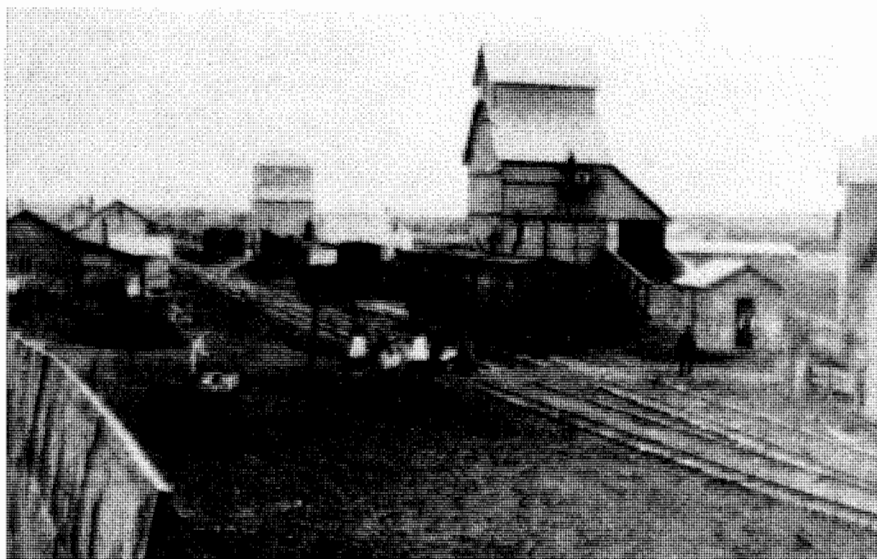
Authorities were aware of the bad blood between Pulsipher and Diers, and, a week after Pulsipher's murder, had taken Diers into custody and questioned him about his possible involvement. The police could not establish a link between the two men, however, and Diers was released.²⁷ Grasping at straws, Furst hoped to re-establish the Diers conspiracy theory to avoid the hangman, but it was for naught. Although the Furst jury deliberated two days longer than the Shepard jury did, the result was the same: guilty of first-degree murder.

While awaiting a hearing on their appeals to the state supreme court, Furst and Shepard enjoyed the support of anti-death penalty advocates. The leading defender of the condemned men was the Fremont chapter of the Woman's Christian Temperance Union (WCTU), who promoted that cause in addition to decrying the evils of alcohol. Unlike Haunstine, however, the defendants in the Dodge County case had more public appeal. Besides being local boys from respected families, the young men could be characterized by the WCTU as prime candidates for rehabilitation in prison. Also unlike Haunstine, the crusade to keep Shepard and Furst off the gallows had considerable public support. A petition presented to Governor Thayer on Furst's behalf carried the signatures of more than fifteen hundred Dodge County residents, and a petition on Shepard's behalf carried not only the signatures of eleven of the jurors who sentenced him to die, but of Carlos Pulsipher's widow as well. Given those circumstances, it would not have been surprising had Governor Thayer commuted their death sentences. But for Governor Thayer these were not normal times.

In 1891, Thayer was in the middle of perhaps the biggest political debate in Nebraska history. In the previous year's gubernatorial election, the Republican Thayer, having served two terms, was ineligible to run again. With the rise of the Populist Movement, the 1890 election featured three, rather than two, candidates. James Boyd, the Democratic

candidate, received 71,331 votes; the Independent John H. Powers received 70,187; and the Republican L. D. Richards got 68,878. With his narrow victory, James Boyd believed he was about to become Nebraska's first Democratic governor, but Governor Thayer had other ideas about giving political power to the rival party. Thayer invalidated the election on the grounds that Boyd was not a U.S. citizen, and declared that he would retain himself as governor.²⁸

Boyd had emigrated to the U.S. from Ireland with his family as a young boy, and his father had initiated the naturalization process. The debate



was about whether the elder Boyd had completed the process, as claimed by Boyd or had not completed it, as Thayer charged. The issue of Boyd's citizenship had not come up when Boyd had represented Nebraska at the Democratic Party's national conventions or when he served as mayor of Omaha.²⁹

Lost in the debate was the issue of Thayer's legitimacy in remaining the governor. Ineligible because of the term limitation, Thayer had not been a candidate in 1890. If Boyd's candidacy was invalid, then the obvious course of action would have been to declare the second-place candidate, John H. Powers, the winner, but Thayer was as loath to grant the office to an Independent as he was to give it to a Democrat.

Early in 1891, the Nebraska State Supreme Court upheld Thayer's view by a 3-2 vote, and Boyd filed an appeal to the U.S. Supreme Court. In 1892 the Supreme Court ruled in Boyd's favor and granted him the governorship, but in 1891 Governor Thayer was still clinging to power and was very sensitive

AFTER RIFLING HIS
BODY, SHEPARD
AND FURST FLED
WITH LESS THAN
TWENTY DOLLARS.

This grain elevator was one of two thriving businesses owned by Carlos Pulsifer. The two young men who killed and robbed him believed he would be carrying a significant amount of cash. Author's collection

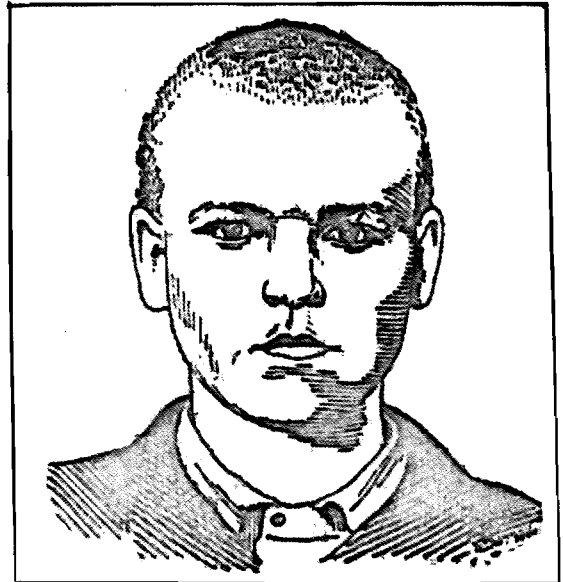
to any action that might alienate the voters, such as the postponement of Albert Haunstine's execution.³⁰

The public outcry against the delay in hanging Haunstine was just the thing that Thayer did not need, and he was in no political mood to be charitable with Shepard and Furst. When the petitions for clemency crossed his desk, Thayer refused to intervene and ordered the execution carried out

guard at Shepard's funeral three days later.³³

Finally, in an odd but effective measure, Milliken conducted the execution indoors. Unwilling to risk an outdoor execution and the unruly mob it might generate, Milliken constructed a gallows on the top floor of the county jail where the peaked roof provided enough space for the death drop. Collectively, the crowd-control measures worked well. A small group of people assembled

Charles Shepard (left) and Christian Furst, both twenty-one, were arrested for Pulsifer's murder. In spite of jailhouse confessions, the prosecution's case was circumstantial, and they were local boys from respected families. Both were convicted, however, and went to the gallows on June 15, 1891. *Fremont Weekly Herald*, June 6, 1891



on the designated day. Furst and Shepard's appeals to the state supreme court also came to nothing, and the pair had exhausted their legal options.³¹

On June 15, 1891, a year and a half after the murder and two weeks after Haunstine's execution, Shepard and Furst went to the gallows. Aware of the spectacle surrounding Haunstine's execution, Dodge County Sheriff Thomas Milliken did everything he could to keep the execution under control. To handle the expected crowd, Milliken asked nearby counties to assist in maintaining order, and the sheriffs of seven counties attended the execution, each bringing along a contingent of deputies to help keep the peace. As a reward for their service, Milliken cut the rope used to hang the condemned men into souvenir pieces; the Howard County sheriff got the noose.³²

In addition, Governor Thayer granted Milliken the authority to call out the National Guard, and Milliken exercised that option. Company E of the First Nebraska Infantry regiment was deployed to Fremont to bolster local police. Ironically, before his crime Charles Shepard had been a member of Company E, and the company formed an honor

on the street near the jail, but the city did not have to endure a carnival atmosphere like that seen in Broken Bow.³⁴

Furst was executed first, and Shepard a few minutes later. Family members collected their bodies for burial, Shepard in the Ridge Cemetery in Fremont and Furst in a family plot in Crowell. The men were buried on the same day, and, coincidentally, the two funeral processions passed each other on the way to their respective cemeteries, "the last parting of two men who had been so closely allied with each other." As a postscript, the *Fremont Weekly Herald* reported that "The scaffold in the jail will be left [in place] for some days, both to enable people to see it, and possibly to serve as a reminder to other offenders who may be incarcerated therein of what fate awaits them if they don't change their course."³⁵

The final Nebraska execution of 1891 occurred in Omaha, a city that also had a past and a reputation it would prefer to forget. Violence and retribution in the form of public executions were nothing new in Omaha, which had experienced two previous public executions and several lynchings that took place before those accused could

A DOUBLE HANGING.

Christian Furst and Charles Shepherd Executed at Fremont.

MET DEATH WITH FIRMNESS

The Necks of Both Men Were Broken and They Died Without a Struggle—Story of the Crime—Pulsifer Killed for Twenty Dollars.

FREMONT, June 5.—Charles E. Shepherd and Chris Furst were hanged here for the murder of Carlos P. Pulsifer, Dec. 10, 1889, at Crowell, Neb. The execution took place in the corridor of the county jail. The trap was sprung at 10:40 a. m. There was not a hitch anywhere. The necks of both men were broken and both died without a struggle.

Fremont Weekly Herald, June 6, 1891

face trial. In February 1868 convicted murderer Otway R. Baker was executed before a crowd of nearly five thousand people, far more than Omaha's population at the time.

Despite its growing population and size, Omaha retained much of its frontier flavor. Firearms could legally be carried in public until 1910, and armed civilians were common in the streets of the city. Guns coupled with alcohol and working-class attitudes about the defense of honor created a volatile mixture. Immigrants, lured to Omaha by the growing meatpacking industry, brought a rough edge to the city, and various forms of vice grew to accommodate them. As a result, Omaha in the 1890s had one of the highest murder rates in the country, surpassing even major urban centers such as New York, Boston, Philadelphia, and St.

Louis in the number of murders proportional to population.³⁶

On February 14, 1890, Edward Neal, a drifter with a violent past, murdered Allan and Dorothy Jones, winter tenants of a ranch in south-central Douglas County. Mr. and Mrs. Jones, an elderly couple, were keeping an eye on the livestock for the absentee owner. The Joneses did not know Neal; apparently they were simply the unintended victims of his newest scheme.

Neal had a reputation for violence and had served three years in the Iowa State Penitentiary for horse theft. His new modus operandi was to steal farm livestock when the owners were away or unaware, quickly sell the animals at the local livestock market (usually the same day as the robbery), and escape before the animals were reported missing. Investigators eventually discovered that Neal had pulled off this heist at least three times before arriving in Omaha. This time, however, everything went tragically wrong. Instead of making a clean getaway,

Neal apparently was caught in the act by the Joneses. Neal shot the couple to death, robbed their bodies, concealed them in a barn, rounded up a small herd of horses and cows, sold them at the Omaha stockyards, and disappeared.³⁷

Three days elapsed before authorities discovered the bodies, and Neal might have escaped but for equal doses of good luck for the police and Neal's own stupidity. A herder at the stockyards recognized the brand on the animals and, suspicious of the stranger selling them, gave Neal's description to authorities. Although very vague (five feet nine inches tall, black hair, and dark complexion), the description alerted buyers at the Kansas City Stockyards two weeks later when a man fitting the description attempted to sell some cattle later revealed as stolen.

OMAHA IN THE
1890s
HAD ONE OF
THE HIGHEST
MURDER RATES IN
THE COUNTRY.

Short of cash, Neal had tried his rustling scam one too many times. He was held by the Kansas City Police until he could be returned to Omaha, where the stockyards employee positively identified him as the seller of the cattle bearing the brand of the Jones's employer. Moreover, a search of Neal's luggage provided sufficient evidence to send him to the gallows. Tucked in the corner of a trunk, police found jewelry later identified as belonging to Mrs. Jones, a pawn receipt from a shop in Council Bluffs for jewelry later confirmed as belonging to the Joneses, and, most damaging, the receipt, bearing Neal's signature, for the sale of the livestock at the Omaha Stockyards.³⁸

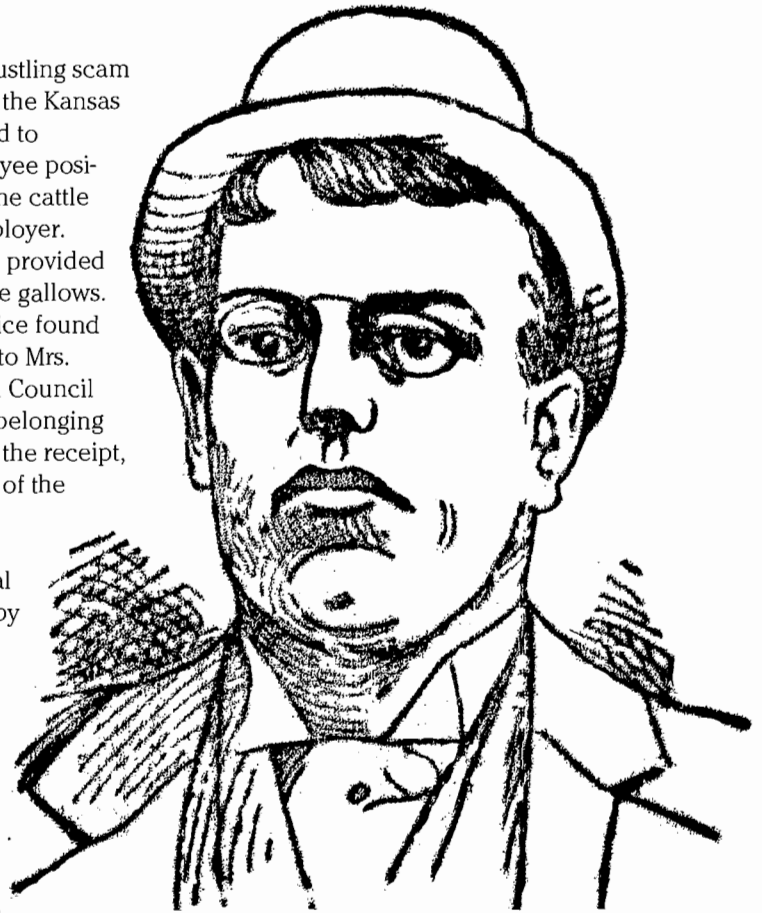
Once in court, the stockyards employee's vague description of Neal gave way to a phrenological profile by a reporter from the *Omaha Bee*:

"He had the air of a semi-educated tough to which his gold eye glasses contributed. . . His complexion was a shade between brown and swarthy and the hair was as black as that of an Indian. . . The lips were shaped somewhat like that of a Negro. . . [His] cranium reached abruptly upward, the crown at the top being abnormally high and round. Everything indicated a man with criminal instincts."³⁹

Neal's trial, convened only three months after the murder, was merely a formality in light of the daunting evidence against him. Neal attempted to deflect the blame by placing the crime upon an associate named Joseph Shellenberger, but the prosecution proved that Shellenberger was in a Minnesota county jail on the date of the murder, and Neal had no explanation for the incriminating evidence found in his possession. After only eight days, including one day of jury deliberation, Edward Neal was found guilty of first-degree murder and sentenced to hang.⁴⁰

As in the previous executions, various constituencies pleaded for Neal's life, although in his case there was little sympathy for Neal himself, who had a criminal past and had brutally murdered two elderly people. Instead, the opposition was to the death penalty itself, and opponents got a boost from stunning events unfolding in Gage County at the same time.

In 1872, William Jackson "Jack" Marion left Beatrice, Nebraska with his associate, John Cameron. A few days later, however, Marion



A drifter with a violent past, Edward Neal was discovered stealing livestock from a Douglas County farm on February 14, 1890. He killed the elderly couple who caught him in the act, and sold the livestock in Omaha. He was arrested a few days later in Kansas City. *Omaha World-Herald*, Oct. 11, 1891

returned alone, with no clear explanation for Cameron's absence. Marion subsequently left Beatrice for good. The following year, when someone discovered a skull with three bullet holes in it near Beatrice, everyone presumed it belonged to a murdered John Cameron, and an arrest warrant was issued for Jack Marion. In 1882, nine years later, authorities finally arrested Marion, then living in Kansas. After a trial based entirely upon circumstantial evidence, he was convicted in 1883. Four times Marion appealed his sentence to the state supreme court and four times the court ordered a new trial. Finally, in 1887, the state supreme court upheld Marion's fifth conviction, and he was hanged on the Gage County gallows.⁴¹ Four years later, in August 1891, only eight weeks before Neal's scheduled execution, John Cameron came walking back into Beatrice.⁴² The identity of the victim whose bullet-riddled skull had been found nineteen years earlier was never discovered, but

it was clear that authorities had put to death "an innocent man. . . upon purely circumstantial evidence, to appease the public clamor for blood."⁴³

Needless to say, the events in Gage County added weight to the argument that the death penalty was too severe a punishment because its consequences could never be reversed.⁴⁴ Again, Governor Thayer received a barrage of clemency requests. But even if he had been inclined to grant clemency to Neal, Thayer would not risk such a politically damaging move in Omaha, the hometown of his political nemesis, James Boyd.⁴⁵ The governor refused to issue a reprieve, the state supreme court upheld the conviction, and Edward Neal found himself standing at the gallows steps on October 9, 1891.⁴⁶

County officials had constructed the gallows near the southwest corner of the courthouse. As in Broken Bow, a high stockade surrounded the gallows to shield the grisly scene from public view. Taking a cue from the Fremont executions, the state militia was out in force. Richard Cushing, the mayor of Omaha, pleaded with the citizenry to stay home to avoid the circus atmosphere of the Broken Bow execution. Nevertheless a great crowd, estimated at seven thousand people, blocked Harney Street in morbid curiosity, forcing the street cars to cease operation for fear of running down eager spectators. Saloons near the courthouse reported a booming business, and abundant amounts of liquor fueled the crowd's interest.

Prominent in the crowd were a surprising number of women, described by the *Omaha Bee's* reporter as, "a motley array of feminine humanity."

Ladies in silks. . . brushed the dust from the dresses of paupers, and daughters of the best families discussed the execution with the painted faced residents of the half-world. Mothers with. . . infants at their breasts crowded burly men out of position simply to get a good view of the stockade."

One woman, carrying her five-year-old son, pressed to the front of the crowd because she wanted the boy to see the hanging to "impress upon him to grow up and be a good man."

The crowd could not see the hanging, but a commentator perched atop the stockade described the events actions within. Other curious onlookers paid five dollars apiece for the privilege of standing high above the crowd on the roof of the Drummond Building across the street from the courthouse, the only vantage point with an

JUSTICE AT LAST

Lives of Allan and Dorothy Jones Compensated for by Ed Neal

HE IS BEFORE THE HIGHEST JUDGE NOW.

Soul of the Murderer Set Free at the Drop of the Trap.

CONFESSED HIS GUILT ON THE SCAFFOLD.

He Was Alone When the Dastardly Double Murder Was Committed.

DEATH HAD FEW TERRORS FOR HIM.

Story of the Execution, Crime and Trial of the Condemned—How He Faced His Final

Omaha Daily Bee, Oct. 10, 1891

unobstructed view of the gallows. A note on the building's door announced they were "closed until noon on account of the ceremony across the street."⁴⁷

At 10 a.m. Neal emerged from the jail. One of only four outside observers, a *Bee* reporter described his last moments in tones of near-admiration:

"His suit of black clothes fitted him remarkably well, and his collar and tie were adjusted as he climbed the stairs, throwing out his chest with the air of a man courting favorable comment . . . [He] reached the stairs to the gallows. Up these he walked with the air of a bridegroom. His bearing evoked admiration. There was nothing to show anything but unflinching courage save the paleness of his cheek and the nervous twitching of his lips."⁴⁸

As his last act, Neal made a public confession of his crime, eliciting a round of applause from the crowd. With all preliminaries complete, a deputy placed the bound and hooded Neal upon the trapdoor, the sheriff pulled the lever, and Neal dropped through the trap. For some reason, however, his neck did not break and he did not die instantly. Instead, he slowly strangled as physicians periodically checked his pulse. Twenty-seven minutes after he dropped through the trapdoor, doctors pronounced Neal dead. The commentator relayed each action to the crowd, which hung on his every word. The final declaration of death elicited another round of applause.

An undertaker removed Neal's body to a Heafy & Heafy mortuary where the corpse went on public display, a compromise arrangement intended to make up for the exclusion of the public from the execution itself. After two days, a woman claiming to be Edward Neal's wife claimed the body, which was interred in Omaha's Holy Sepulcher Cemetery.

As in previous cases, local newspapers voiced the approval of the community. The *Omaha World-Herald* reported, "Justice. . . from her high place on the dome of the court house looked down, or would have looked down had she not been blind-folded, upon a . . . self-satisfied community the next day." The *Omaha Bee* took a more cautionary tone: "The end has come. The soul of the murderer has gone to meet his God. . . . Let us hope the awful punishment inflicted will be remembered by the viciously disposed and will restrain them from acts of violence against their fellow men."⁴⁹

If the *Omaha Bee* writer hoped the execution of Edward Neal would deter violent crimes in the future, he was sadly disappointed. Public execu-

tions continued in Nebraska in subsequent years, albeit at a slower pace. Custer and Dodge counties would not see another public execution, but three more took place in Douglas County over the next six years.⁵⁰

Eventually, however, the method for carrying out the death penalty changed in Nebraska. In an effort to relieve counties of the burden of carrying out executions and to avoid the civic disruption that executions caused, the state legislature enacted a law in 1901 requiring all executions to take place behind the walls of the state penitentiary. To maintain the dignity of the occasion, the law limited the number of people present.⁵¹

On October 8, 1897, authorities in Omaha hanged George Morgan, convicted of rape and murder in 1895. It was the last public execution in Nebraska.⁵² Six years later, on March 3, 1903, Gottlieb Niegenfind, convicted of a double murder in Pierce County in 1902, became the first condemned man to die at the state penitentiary under the terms of the new state law, and Nebraska entered a new era in its debate over the death penalty.⁵³

NOTES

¹ *Omaha Daily Bee*; Oct. 10, 1891.

² U.S. Department of Justice, <http://www.ojp.usdoj.gov/bjs/otdc.htm>.

³ Alice H. Howell, "The Mitchell-Ketchum Tragedy," *Buffalo Tales* (Buffalo County Historical Society): 8, January 1985; *Nebraska State Journal*, Dec. 13, 1878.

⁴ *Custer County Republican*, Nov. 29, 1888.

⁵ W. L. Gaston and A. R. Humphrey, *History of Custer County, Nebraska* (Lincoln: Western Publishing, 1919), 167.

⁶ *Custer County Republican*, Nov. 29, 1888.

⁷ *Ibid.*, Nov. 22, 1888.

⁸ *Ibid.*, Nov. 29, 1888.

⁹ Gaston and Humphrey, *History of Custer County*, 167.

¹⁰ *Custer County Republican*, Apr. 23, 1891.

¹¹ George R. Chaney, *Digest of the Decisions of the Supreme Court of Nebraska* (Lincoln: State Journal Company, 1892), 682, 686, 687.

¹² *Custer County Republican*, Apr. 16, 23, 1891.

¹³ For examples of Parkhurst's activities see Warren Sloat, *A Battle for the Soul of New York: Tammany Hall, Police Corruption, Vice, and Reverend Charles Parkhurst's Crusade Against Them, 1892-1895*, (New York: Cooper Square Press), 2002.

¹⁴ *Custer County Republican*, Apr. 23, 1891.

¹⁵ *Grand Island Independent*, July 2, 2000. The gallows sat, never used again, in the Hall County courthouse until sold many years later.

¹⁶ *Collection of Nebraska Pioneer Reminiscences* (Cedar Rapids, IA: Torch Press, 1916), 47-48.

¹⁷ *Custer County Republican*, Apr. 23, 1891.

¹⁸ *Ibid.*, May 21, 1891.

¹⁹ *Ibid.*, May 21; *Fremont Weekly Herald*, May 28, 1891.

²⁰ Haunstone is buried in Section 5, Township 13N, Range 23 in Custer County. www.rootsweb.com/~necuste2/Cemeters/isolated.html/

²¹ *Ibid.*, May 22, 29, June 5, 1891.

²² The spelling of the two last names varies. Shepard is also spelled "Shephard" and "Shepherd." The most common spelling is used here. Some sources spell Furst as "Fuerst." The most common spelling is used here.

²³ William H. Buss and Thomas T. Osterman, *History of Dodge and Washington Counties, Nebraska, and Their People* (Chicago: American Historical Society, 1921), 212.

²⁴ *West Point Republican*, Dec. 13, 1889.

²⁵ Buss and Osterman, *History of Dodge and Washington Counties*, 214.

²⁶ *Ibid.*, 213.

²⁷ *West Point Republican*, Dec. 20, 1889.

²⁸ Nebraska State Historical Society, Record Group 001, Subgroup 014 (Thayer, John M.), Box 7, Folders 66-73, Box 8, Folders 74-78; Record Group 001, Subgroup 015 (Boyd, James E.), Box 1, Folder 1.

²⁹ Arthur C. Wakeley, *Omaha: The Gate City and Douglas County Nebraska*, vol. II. (Chicago: S. J. Clarke, 1917), 870-72.

³⁰ See *Boyd v. Nebraska ex rel. Thayer*, 143 U.S. 135, 12 S.Ct. 375, 36 L.Ed. 103 (1892). The U.S. Supreme Court ruled that whether or not Boyd's father completed the citizenship process, Boyd automatically became a citizen of the state of Nebraska when statehood was conferred in 1867, and by extension a U.S. citizen under the terms of the 14th Amendment.

³¹ *Fremont Weekly Herald*, June 1, 6, 1861; Chaney, *Digest of the Decisions*, 683, 686.

³² *Fremont Weekly Herald*, June 11, 1891.

³³ *Ibid.*, June 6, 1891

³⁴ *Ibid.*,

³⁵ *Ibid.*,

³⁶ *Ibid.*, June 6, 1891; Alfred T. Andreas, *History of the State of Nebraska* (Chicago: Western Historical, 1882), 710; James W. Savage and John T. Bell, *History of the City of Omaha and South Omaha* (New York: Munsell, 1894), 137; Clare V. McKanna, *Homicide, Race, and Justice in the American West, 1880-1920* (Tucson: University of Arizona Press, 1997), 40-41.

³⁷ Savage and Bell, *History of the City of Omaha*, 137-38; *Omaha Daily Bee*, Oct. 9, Feb. 14, 1891, Feb. 14, 15, 1890.

³⁸ *Omaha Daily Bee*, Feb. 22, 1890.

³⁹ *Ibid.*, Feb. 21, 1890.

⁴⁰ *Ibid.*, Oct. 10, 1891, Feb. 26, 1890.

⁴¹ Chaney, *Digest of the Decisions*, 102, 121, 127, 228, 514, 558.

⁴² *Gage County Democrat*, Aug. 6, 1891; *Omaha Daily Bee*, Aug. 4, 1891. Cameron had fled to avoid a paternity suit, and in the intervening years had lived in the Indian Territory (present day Oklahoma), Mexico, and California. He had stopped in Beatrice to see relatives before continuing on to the Dakota Territory.

⁴³ *Gage County Democrat*, Aug. 6, 1891.

⁴⁴ On March 25, 1987, Governor Kay Orr issued a pardon to Jack Marion, albeit a century too late.

⁴⁵ *Omaha Daily Bee*, Oct. 2, 1891.

⁴⁶ Chaney, *Digest of the Decisions*, 685, 687, 713, 831.

⁴⁷ *Omaha Daily Bee*, Oct. 10, 1891.

⁴⁸ *Ibid.*,

⁴⁹ *Omaha Sunday World-Herald*, Oct. 11, 1891. *Omaha Daily Bee*, Oct. 10, 1891.

⁵⁰ "Before the Needles," listing all U.S. executions before the death penalty was temporarily declared unconstitutional in 1972 under *Furman v. Georgia*. <http://users.bestweb.net/~rg/execution/NEBRASKA.html/>

⁵¹ J. E. Cobbey, *Annotated Code of Nebraska: A Hand-Book of the Nebraska Decisions* (Beatrice, NE: J.E. Cobbey, 1901), 645-57.

⁵² *Omaha Evening Bee*, Oct. 8, 1897.

⁵³ *Pierce County Call*, Mar. 7, 1903.