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Article Summary: Dodge, a convicted murder, had escaped twice and was awaiting execution when he was fatally wounded in his cell by assassins who had broken into the Nebraska City jail. Many townspeople had supported Dodge despite his actions, hoping that the governor might commute his death sentence.

Cataloging Information:

Names: William Henry (Hank) Dodge, Walter Hardin, James McGuire, Peter McGuire, Michael McGuire, A L Dodge, Asbury Buckmaster, Frank Farber, Silas Garber, Thomas Wymond, Daniel H Baldwin, John C Watson, Frank P Ireland, Stephen B Pound, Thomas B Lemon, John Carroll, Catherine Walsh

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Photographs / Images: list of charges presented to the state of Nebraska in connection with the jailing of Dodge and Hardin; map of the Dodge-McGuire incident; Otoe County courthouse, 1867; Rev Thomas B Lemon, who counseled Dodge and helped arrange his last rites; Nebraska Governor Samuel Garber, who visited Dodge in jail; entrance to Dodge's jail cell; interior of cell

The Trial and Death of William (Hank) Dodge, 1875-1876

BY E. S. SUTTON

In 1932 Mrs. George Covall of Omaha bitterly recalled the futile attempt of Nebraska City church women in 1875-1876 to gain executive clemency for convicted murderer William Henry (Hank) Dodge, who had killed James McGuire. Their pleas went for naught when assassins on the night of July 10, 1876, broke into the Nebraska City jail and shot and fatally wounded Dodge as he lay chained to his cot.

While Mrs. Covall's memory played her grossly false as she recalled to a newsman the details of the affair, it is reasonable to suppose that she more accurately described her shock on learning that the young prisoner she had befriended had been murdered in his cell. "Our zeal and good intentions," she said, "had utterly defeated our purpose. I wept when I learned what had happened—and I'm not a crying woman. But I was cured. That was my first and last attempt to deal with a prison problem."¹ Paradoxically, the women's zeal *had* been a factor in galvanizing into mob action those who felt that Dodge's sentence should be carried out and felt that the governor might heed the women's pleas.²

Dodge died four days after being shot, after which there were unsuccessful attempts to link jailer Peter McGuire, a brother of James', to an alleged conspiracy which resulted in the assassination. Those involved in the assassination remained tight-lipped about their involvement and no one was ever charged with the crime. To this day their identity is not a matter of public record.

James McGuire's weighted body had been found October 4, 1874, in the back waters of the Frenchman Fork of the Republican River in unorganized Chase County, Nebraska, 40 miles southeast of Julesburg, Colorado. The date of his death is

thought to have been September 27. McGuire, a young buffalo hunter from Palmyra, Otoe County, west of Nebraska City, had become eminently successful at his trade. He sold hides at the village of Wallace, Kansas, a division point on the Kansas Pacific Railroad and a major marketing center of the buffalo range, through firms owned by the storied Peter Robidoux, Thomas Madigan,³ and A. L. Dodge (unrelated to Hank Dodge but occasionally his employer). McGuire had recently sold hides valued at \$1,600 and was presumed to have had some of the money with him after refitting and moving north for another buffalo hunt in southwestern Nebraska.⁴

Dodge and a companion, Walter Hardin, trailed McGuire on the pretext that they too intended to hunt in the Republican River valley. None of the men, however, did much hunting before they became the principals in one of frontier Nebraska's most bizarre criminal cases. On October 21, 1874, the *Omaha Bee* printed the following letter written at Julesburg, Colorado, dated October 14, 1874:

Enclosed you will find a letter which was found in the pocket of James McGuire, who was murdered and buried in the waters of Frenchman Creek 40 miles from Julesburg . . . Will you be so kind as to publish the enclosed letter so that friends may know where he is. We buried him the best we could. For further particulars they can address me at Cedarville, Smith Co., Kansas.

Asbury Buckmaster⁵

The *Bee* printed Buckmaster's letter and asked other papers to reprint the dispatch, hoping to give it wider circulation. Buckmaster, a member of a party of hunters, had ridden northwest to Julesburg on the Union Pacific Railroad to contact authorities. There he learned that a team of distinctively marked horses known to have been owned by McGuire had been in possession of two hide hunters recognized as Dodge and Hardin, who by then had driven toward Kansas.⁶

Several days later Dodge and Hardin boldly drove through the Wallace, Kansas, area with McGuire's team. They bragged about their acquisition of the rig. A. L. Dodge, Wallace merchant, lawman, and sometime Fort Wallace sutler, said they talked of having encountered McGuire. A man named Cooley recalled that Dodge and Hardin had camped with him on the Smoky Hill near Wallace in late Sept., 1874, and indicated they were "after" McGuire.⁷

Dodge and Hardin were pursued and arrested in Granada,

Colorado, some 100 miles southwest of Wallace, presumably by A. L. Dodge, who was also an Ellis County deputy sheriff.⁸ They were lodged in the Ellis County jail in Hays City and charged with grand larceny of goods from James McGuire, James Lyon, and N. V. Duff. As yet it was not suspected the men were wanted for murder. The following charges against Dodge and Hardin were filed in Hays City:

State of Kansas, County of Ellis.

In Justice's Court before N. B. Hedden, Justice of the Peace in and for Big Creek Township, in the county and State aforesaid.

State of Kansas, plaintiff.

vs.

William H. Dodge and Walter Harden, defendants.

Criminal Action No. , A. L. Dodge prosecutor

Personally appeared before me A. L. Dodge who, being duly sworn, deposes and says: That on or about the 25th* day of September A.D. 1874 at the County of Wallace which is attached to said county of Ellis for judicial purposes, and State of Kansas, one William H. Dodge and Walter Hardin, did then and there unlawfully, feloniously steal, take and carry away one bay horse, one wagon, the property of James Lyon, one horse, one set of harness and one camp outfit, the property of one N. V. Duff, one horse and one gun the property of James McGuire. All of said property being of the value of over twenty dollars. And deponent pray that process may be issued against said William H. Dodge and Walter Harden and that they be dealt with according to law.

A. L. Dodge

Sworn and subscribed before me the 12th day of October A.D. 1874.

N. B. Hedden, Justice of the Peace.⁹

Warrant issued this 12th day of October A.D. 1874 directed to the sheriff or any constable of Ellis County returnable forthwith.

Peter McGuire, brother of the slain man and a resident of Palmyra precinct, Otoe County, Nebraska, had in the meantime read of the murder in the *Omaha Bee* and had taken the train to Julesburg to learn details of the crime. There he learned that Dodge and Hardin, under arrest in Kansas, had James' horse and gun in their possession. He sent this wire on November 3 to Governor Robert W. Furnas in Lincoln:

My brother was murdered on the Frenchman in Nebraska. Murderers are under arrest at Wallace, Kansas [later held in jail at Hays City]. Have confessed their guilt but are held only on charges of stealing, as murder was not committed in Kansas. What will I do to get them into Nebraska? Answer. Peter Maguire [McGuire]¹⁰

*Approximate date covers loss of property by two other men as well as McGuire, who was murdered Oct. 4.

On the reverse side of the copied telegram is this unsigned note, which can logically be assumed is the reply of Governor Furnas to Peter McGuire: "Have charges of murder preferred. Make affidavit they are fugitives from justice. With proper papers will issue requisition. Consult a good lawyer to draw papers."¹¹

Governor Furnas received a communication dated November 3 from C. W. Smith, acting sheriff of Cheyenne County, Nebraska, at Sidney:

Sir, I have received a letter this morning dated Hays City, Kansas, October 30th. As near as I can ascertain the crime [McGuire's murder] was committed in Chase County, Nebraska. I telegraphed to Sheriff [Alex] Ramsey [at Hays City] to forward what proofs they had to you and hold the prisoners until a requisition was obtained by the county having jurisdiction in the matter.¹²

Ramsey had sent this message to Smith:

The chances are that they will be released on a writ of Habeas Corpus on account of us not having jurisdiction. Let me know by telegraph when you receive this if you intend coming after them, and if you do I will hold them. Their names are Dodge and Walton [*sic*—Hardin]. They committed a cold blooded murder and should be punished for it.¹³

Ramsey in writing Smith apparently thought the crime had occurred in Cheyenne County, Nebraska.

Meanwhile in Hays City, Dodge, a scheming 20-year-old badman, and Hardin, about 30, plotted a jail break—the first of two they successfully carried out. Hardin seems to have been the less assertive of the two in their various escapades. They enlisted the help of a George McClanahan, a confederate, who overpowered Ellis County Deputy Sheriff Samuel A. Tate on November 15, 1874, and set free the prisoners.¹⁴ Their freedom must have been short-lived, since they were back in custody in December when Peter McGuire arrived in Hays City to undertake their extradition to Nebraska.

The approximate date of McGuire's arrival in Hays can be determined from a statement in the *Nebraska City News* of June 5, 1875: "For six or seven months the jail under the courthouse has been occupied by Hardin and Dodge." Arbitrarily using January 5 as their arrival date in Nebraska City and subtracting 13 days for travel time (see statement of charges below), the date of departure from Hays would be about December 23.

The Otoe County Courthouse (built 1864-1865), a handsome two-story red brick structure, is still in use. In 1874-1876 the jail was located under the center section. The west wing was added in 1883 and the east wing in 1936.¹⁵

After he personally saw to the jailing of Dodge and Hardin, McGuire presented the following statement of charges to the state of Nebraska. It is significant principally because it delineates the routes McGuire traveled and the time it took for various journeys:

The People of the State of Nebraska vs. W. H. Dodge and Walter Hardin.
The State in act. with Peter McGuire.

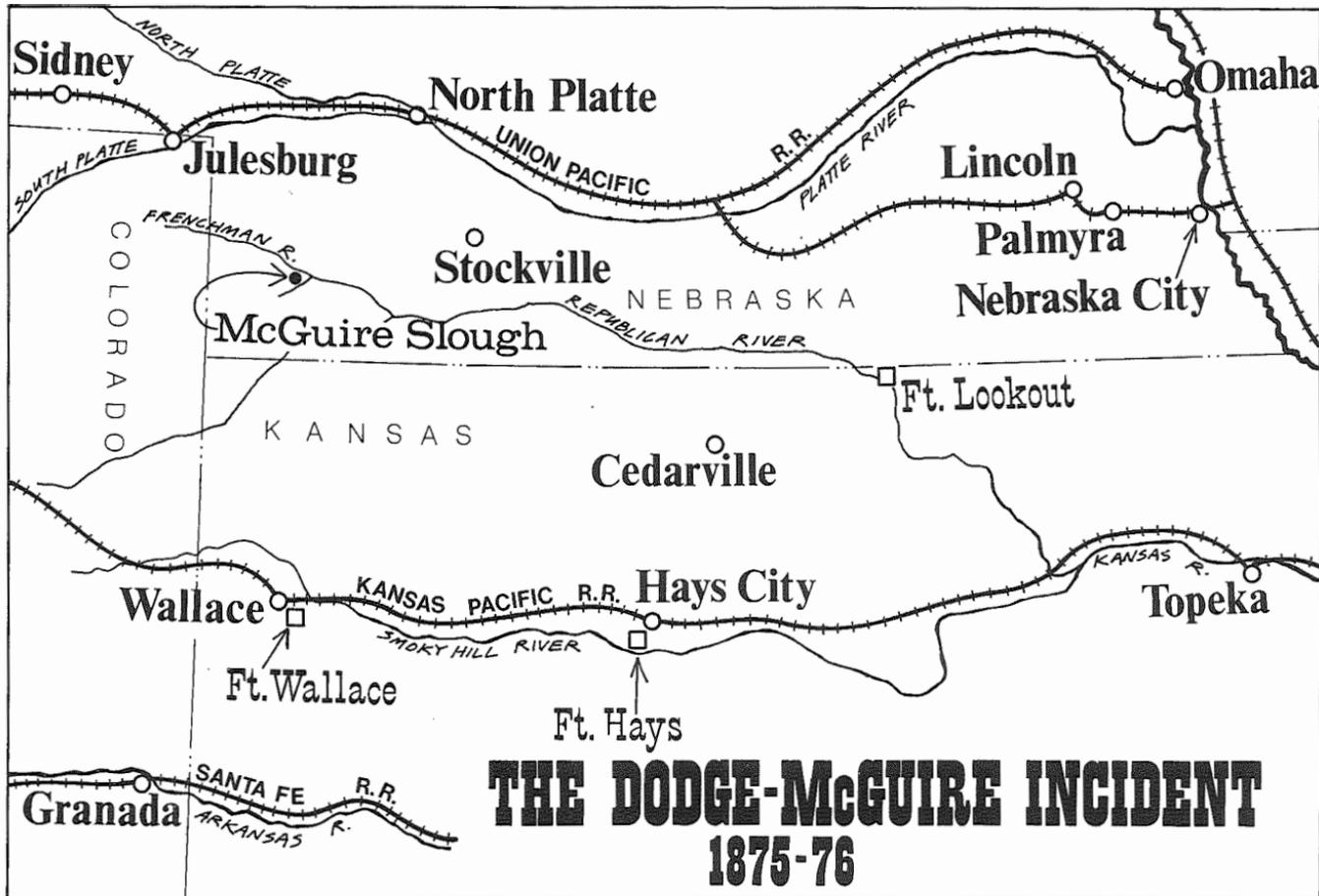
To making a trip to Julesburg and return, procuring evidence	43.75
Expenses telegraphing	9.00
To expenses to Frontier County [organized January, 1872] for sheriff's certificate and papers [McGuire probably became a deputy]	51.35
To mileage to Hays City from Lincoln	52.50
To one day detention, Topeka, Kansas	3.00
Telegraphing sheriff Hays City "to hold" [prisoners]	1.50
Amount paid Gov. [of] Kansas for warrant	1.00
3 days time making trip to Hays	9.00
4 days detention Hays City	12.00
Mileage from Hays City to Frontier [County]	25.00
Six days time on road with prisoners	18.00
Man and team, guard two prisoners from Hays City to Stockville and expenses	140.00
Guard for six days, labor	12.00
Board of two prisoners	24.00
Three days at Stockton [Stockville] ex. etc.	9.00
3 days for 2 prisoners at Stockville	10.00
1 Guard at Stockville	2.00
Mileage with prisoners, Stockville to N. Platte	6.00
2 days team from Stockville N. Platte	6.00
Boarding two days on road	8.00
Man and team to North Platte	20.00
Repairing irons and time detained	28.00
To Mileage N. Platte to Lincoln	24.00
1 days time on road	3.00
Guarding prisoners at Lincoln	23.00
Boarding prisoners at N. Platte	4.00
1 day at Lincoln	2.00
To Boarding prisoners at Lincoln	5.00
Mileage Lincoln to Neb. City	5.70
1 days time	3.00
Rail Road	3.50
Boarding prisoners on to Neb. City	1.00
Total	624.30
Deducted	155.10
Amount Allowed	469.20 ¹⁶

It will be noticed that Peter McGuire first made two trips to western Nebraska: to Julesburg by rail to interview persons familiar with incidents following the murder; to North Platte by rail, then overland to Stockville, county seat of Frontier County, which held jurisdiction if the murderers were tried in Nebraska. He discussed strategy with county officials, one of whom must have been Sheriff Henry C. Clifford, from whom he received a "sheriff's certificate," making him a deputy. Stockville in 1874 consisted of little more than a store and a few buildings—but no courthouse, yet it administered a vast area of sparsely populated southwestern Nebraska, including the murder site on the Frenchman.

After returning to Lincoln, McGuire continued to Topeka, capital of Kansas, where Governor Thomas A. Osborne issued extradition papers for the release of the prisoners. Between Topeka and Hays, McGuire took a Kansas Pacific train. Once the prisoners were released to him, McGuire was faced with a dilemma—how best to transport them to Stockville for a preliminary hearing. He could use the rails by backtracking through eastern Kansas, eastern Nebraska, and westward to North Platte, then by wagon to Stockville. Or he could go directly northwest by wagon about 200 miles (a saving of about 500 miles) to Stockville. The cost would be less overland to Stockville though it would take longer and there was the possibility of winter storms. Cost appears to have been a factor in his decision to go overland. Notice above in his statement of charges that even his frugality did not prevent the state from deducting \$155.10 from his claimed \$624.30.

Between Hays City, Stockville, and North Platte, McGuire had the assistance of a teamster in guarding his prisoners, who were in irons. From Stockville to North Platte, E. H. (Paddy) Miles is thought to have been McGuire's driver. From North Platte to Nebraska City via Lincoln, McGuire handled the prisoners himself except for a one-day stop in Lincoln.

At Stockville some magistrate bound the prisoners over to the jurisdiction of the district court at Nebraska City. This procedure was permitted by law because the courts were as yet not functioning in Frontier County. By coincidence Otoe County was the home of the murdered James McGuire, his brother Peter, and a number of other relatives, who were members of a small Irish Catholic neighborhood near



Palmyra. Peter (born 1838) and some of his neighbors were immigrants from Ireland.¹⁷

With Dodge and Hardin apparently safely jailed, the Otoe County prosecutors convened a grand jury, which found a true bill against the prisoners. Among those testifying were Peter, Michael, and Patrick McGuire, and Asbury Buckmaster.¹⁸

District Attorney Caleb J. Dilworth and his deputy Vincent Bierbower began preparing the state's case, hoping for an early trial. Legal sparring by the prosecution and defense, however, resulted in court-appointed defense counsel John C. Watson getting a postponement until the September term of district court. The *Nebraska City News* observed that had the trial been held in early 1875 "it would have been no difficult matter to convict . . . but the trial being put off, public opinion changed and it was concluded by all connoisseurs of the law that the staying off was virtually as good as an acquittal."¹⁹

By early June, Dodge and Hardin, having gained a "following" from sympathetic visitors who were impressed by the personable, crafty young Dodge, were hopeful that they would eventually be acquitted. Familiarity with their jailers, however, gave them reason to believe they might gain their freedom through subterfuge. Accordingly they plotted a jail break that would not give the impression of an inside job. They fled the night of June 4, 1875, on stolen horses, taking with them another prisoner, a horse thief named Ferris, who was tolerated only because he could help them in unfamiliar territory and indicated that they could rest at his parents' home near Fort Lookout, Kansas, on the big bend of the Republican River. After the escape jailer Daniel F. Baldwin was quick to relate a series of plausible events in which masked men overpowered him and smothered him into unconsciousness while freeing the prisoners. It was later established that Baldwin was privy to the escape.²⁰

Taking Ferris with them proved the fugitives' undoing. Ferris, abandoned by Dodge and Hardin after his horse proved unable to keep up, headed for Tecumseh, about 20 miles southwest of Nebraska City, instead of his parents' farm in Kansas. Soon rearrested near Tecumseh by Sheriff Frank Farber, Ferris gave lawmen information which directed their search for the escaped prisoners to the Republican Valley.²¹

Governor Garber, apprised of the escape, offered a reward of \$200 for the recapture of each man:

STATE OF NEBRASKA—Executive Department

A Proclamation by the Governor

June 1875

To all to whom these presents shall come Greeting!

Whereas, it has come to my knowledge that Walter Hardin, and Hank Dodge indicted for the Crime of Murder committed in the County of Frontier and State of Nebraska, and confined in the Otoe County jail at Nebraska City, made their escape therefrom on the night of the 5th of June 1875.

And Whereas, their Crime and desperate character, are such as to call forth all the powers of the state for their Apprehension.

Now, therefore, I Silas Garber, Governor of the State of Nebraska, by virtue of the Authority in Me Vested, and in pursuance of the statute in such case made and provided, do hereby issue by proclamation and offer a reward of Two Hundred Dollars for the Apprehension, delivery to the sheriff of said Otoe County, and conviction of each of said Criminals.

Given under my hand and seal this 13 day of June 1875.

By the Governor/Silas Garber

Bruno Tzschuck/Secretary of State²²

Spurred by Governor Garber's offer of rewards, Sheriff Farber and deputies, including Peter McGuire²³ cornered the escaped men at the elder Ferris' farm and recaptured them. Hardin was shot superficially, once in the leg and once in the arm, while attempting to escape. Dodge hid in the brush for an hour before being discovered but did not resist arrest. Assisting in the arrest were Peter McGuire, Sheriff M. Patrie of Washington County, Kansas, and Officer Beatty of Jewell County, Kansas.²⁴

After the accused men were returned from Kansas the second time and locked in the Nebraska City jail, Sheriff Farber decided to make sure they were adequately guarded and installed the ubiquitous Peter McGuire as chief jailer and Thomas Wymond as his assistant.²⁵ Dodge, having already seen too much of McGuire, complained to his captors that he "would rather see the devil sitting there than that man McGuire"²⁶ and tried unsuccessfully to have him removed. The sheriff refused, but in order that Dodge's "last days [not] be unnecessarily harassed," instructed McGuire to stay out of sight, and to leave the personal care of the prisoner to Wymond or other jailers.²⁷

Hardin, at "30 or 40 years of age" and without the engaging personality of Dodge, never gained the sympathy of Nebraska

Citians. He was considered a bad influence on his younger partner, though there is evidence that the reverse might have been true. Furthermore, Hardin was a hard looker. Later when serving time in the state penitentiary in Lincoln he was said to have had "the unenviable reputation of being the most villainous looking man in prison."²⁸

When the district court convened, it was discussed that the Dodge-Hardin indictment drawn up in the spring had vanished from Attorney Bierbower's office. The partisan *Democratic News* fumed that the incumbent Republicans were guilty of malfeasance in office and suggested calling a grand jury to "have the whole thing sifted out."²⁹ Nevertheless, the case came to trial as scheduled on September 18 in Otoe County District Court before Judge Daniel Gantt of Lincoln, a justice of the State Supreme Court. Milan H. Sessions of Lincoln had been retained to help prosecute the case.³⁰ The prisoners asked for separate trials. Dodge pleaded innocent after repudiating a confession he made upon advice of attorneys at Hays City that in self defense he killed James McGuire. He was found guilty of murder in the first degree by a jury which deliberated six hours.³¹

On the advice of attorneys, Hardin cooperated with the prosecution in determining how James McGuire met his death on the Frenchman and avoided trial by pleading guilty to a second degree murder charge. Dodge winced when Judge Gantt sentenced him to be hanged at midday January 14, 1876, as required by a first-degree murder conviction. He was returned to the Nebraska City jail, while Hardin was taken to the penitentiary in Lincoln to begin a 25-year sentence.³²

No transcript of the trial remains, but testimony can be reconstructed to an extent through newspaper articles. Plunder alone was charged by the prosecution as the motive for the "cold blooded" murder of McGuire. Horses, wagon and other property of the slain McGuire were in the possession of Dodge and Hardin when arrested, witnesses said. However, neither man had a large amount of money when apprehended, leading to the belief that McGuire may have cached any valuables at the camp site on the Frenchman.³³

On September 20 Dodge and Hardin signed a statement giving the details of their engineered escape from jail the

preceding June. Jailer Daniel H. Baldwin had been bribed with promises of future gain and had helped his prisoners escape. He permitted Dodge and Hardin to remove their leg irons and allowed himself to be bound and gagged as a ruse. To lend credence to Baldwin's contention that he shot and wounded one masked intruder, the blood of a chicken was sprinkled on the floor. The fugitives told the gullible Baldwin they would go to Fort Lookout, Kansas, rob the daily stage, and send him \$2,000 to compensate for his perfidy. Surprisingly, they *were* near Fort Lookout when recaptured.³⁴

Attorneys John C. Watson and Colonel Frank P. Ireland, unsuccessfully appealed the death sentence to the Nebraska Supreme Court in October, 1875, on a motion that the trial was in error held in Otoe County. They also charged that the district court was in error because the records indicated Dodge was sentenced to death while absent from the courtroom. The latter contention seems also to have had no validity, judging from the *Nebraska City News* description of Dodge's sentencing: "Taking his seat, a noticeable tremor of his body and twitching of his firm set mouth were easy to be seen." When asked why sentence should not be passed, Dodge simply answered, "Not guilty." Nevertheless, the Supreme Court, while refusing to order a new trial, decreed that Dodge be brought into court and resentenced.³⁵

Hank Dodge, having gained sympathy from the *Nebraska City News*, took his complaints to metropolitan Omaha in a letter to the *Herald*:

Nebraska City, Dec. 19, [1875]

To the Editor. . .

Dear Sir: Permit me to offer my sincere thanks, so far as is possible with pen and ink and my shattered thoughts will express themselves, for the notice you take of the coming execution on my body in this city. I am a stranger in a strange land, without friends or acquaintances, but while your paper speaks so decidedly against hanging, I have reason to hope I may die a natural death.

I was arrested in Colorado Territory [at Granada] but, by an act of the Legislature, had my trial in this city, and being without friends, was not able to get my witnesses, while what property I had was held by officials for a time; it was then sold for the cost of keeping it.

The prosecuting party used both money and freedom to secure all they could, and even then was only able to get one witness of any value to them, and his evidence was circumstantial. Furthermore, he was an entire stranger to me, but being tempted by bribe, or possession of a demon, he did his best



Otoe County courthouse, 1867. The jail was in the approximate center of the basement. Courtesy of Gerald Schmitz.

to call me before my Maker. The other witnesses were all very indifferent. A word of myself:

I was born in Pennsylvania May 12, 1854. When the U. P. Railroad crossed the plains, I was one of the first passengers to California; strayed into Arizona Territory, Old Mexico and New Mexico, following various occupations—mining, prospecting with the old miners, and learned to coil the lasso skillfully of the Californians; but getting homesick, started for Pennsylvania, and getting as far as Kansas, stopped to hunt buffalo for a time and getting into partnership with an unprincipled wretch [Walter Hardin] who sought to defraud me of what I had, got involved in a serious trouble. I was arrested but had no fears, believing I could prove myself innocent before any court.

But alas for human presumption! I was seized [in western Kansas] and brought 500 miles from where I should have been tried, so I was entirely cut off from all means of defending myself, and am now calmly awaiting the day to take my departure hence.

Oh God! Do you call this justice?

I can write no more. You can publish this if you feel so inclined.

Your obedient servant, William Dodge³⁶

Asbury Buckmaster, who had pulled the slain McGuire from Frenchman Creek and who had been a prosecution witness, reentered the controversy over the verdict by writing a letter to the *Omaha Bee*. One part of the letter was a shaft directed toward the *Omaha Herald* editor, who opposed the execution. Writing from Glenwood, Iowa, on January 1, 1876, Buckmaster said: "I don't think the man lives that dares tell me to my face I was bribed to swear against them, unless it is a man that had to tell it through the iron bars [referring to Dodge's letter to the *Herald*] for the trifling thing of murder."³⁷ He recalled that a Mr. Lyons at Julesburg showed him a letter from Deputy Sheriff A. L. Dodge which placed Hank Dodge and Hardin in Wallace October 4, 1874, with James McGuire's outfit, boasting that they "had left McGuire on the prairie and . . . had stole two Navy revolvers from him and had left the country." Furthermore, Buckmaster said, a man named Cooley in September, 1874, encountered Dodge and Hardin, who said they were "going up on the Frenchman to kill some fellow and leave the country and be called tough cases."³⁸ Why these damning incidents known to A. L. Dodge and Cooley had not shown up in correspondence or news articles previously is odd, unless they had been withheld as trial evidence.

A petition soon came to the governor suggesting commutation of the sentence. It was "signed by the best citizens" of

Nebraska City, who did not view Dodge as a "criminal of the deepest dyè." The *Omaha Herald* also opposed the execution.³⁹ The *Lincoln Journal* published a letter signed by an anonymous "Justice," who said he would sign any petition which outlawed capital punishment, but he criticized the *Journal* and *Herald* for their selective compassion. He termed Dodge's letter "maudlin, sentimental," and said there was "not a single extenuating circumstance" that would mitigate in Dodge's favor. Most telling was his bitter suggestion that the compassion for Dodge flowed from the fact "that his victim was only . . . [a] McGuire, born of Irish parents."⁴⁰

On April 5, 1876, this time making certain that Dodge was in the courtroom and that the record showed it, Judge Stephen B. Pound re-sentenced him "to be hung by the neck until dead on July 21, 1876." The judge, apparently sympathizing with the condemned man, made "touching and pertinent remarks" in passing the sentence "which brought many tears to the eyes of those who witnessed the scene"—and resentment to those who deplored what they considered coddling of a murderer. This time Dodge did not waver when sentence was passed.⁴¹

Editorials unfavorable to the death sentence continued in a number of newspapers, though some papers agreed with the verdict. The *Beatrice Express* on April 13 reported:

Several newspapers have set up a piteous howl on the thought of hanging one so young as Dodge, he being only 21. But the present sentence will nevertheless undoubtedly be carried out. On general principles we prefer imprisonment for life to capital punishment but there are cases, and we think Dodge's case is one of them, when . . . the life of the murderer for the life of his victim [is] justified.⁴²

The *News* of June 3 reported that Dodge was "the recipient of many letters from sympathizing friends and philanthropists, all of which are enjoyed by him, and which he takes great pride in answering." He also tried his hand at poetry. In doggerel couplets he addressed a plea for clemency to Governor Garber:

THE LAST PLEA for LIFE

O must I go? A lease of life canst thou to me grant?
 Ten thousand will your kindness thank.
 Others sentenced have been cummuted. O! why not I?
 Or must I here remain and eternally die?
 A brother, and companion on my charge,

Has prospects again of liberty at large:
 For which a thousand thanks to heaven ascend.
 And shall in blessing on the just descend.
 And thousands more with prayers for you [illegible word]
 As sweet and grateful incense to the skies.
 If a poor captive's prayer shall reach your heart
 and draw the word from you do not depart.
 I strive to be a christian, and Christ, my Lord.
 Will bless with vast and infinite reward
 The man who to his suffering subjects shows
 Compassion and relief from heavy woes.
 In view of prayer and tears and many sighs,
 Which daily to Jehova's throne arise,
 In view of millions sinking down to Hell.
 Whose suffering, mortal lips can never tell;
 In view of time which soon will be no more,
 But waft us to a distant unknown shore;
 In view of death, which hastens on apace
 To waft us before the Judge's face;
 In view of that great final reckoning day,
 When we shall hear him to his children say.
 Come near ye blessed sit down with me,
 On thrones prepared from all eternity;
 But to the wicked, hence, accursed depart,
 With Satan and his angels have your part.
 In view of Heaven where angels prostrate fall,
 Where saints confessing Jesus Lord of all.
 Where endless pleasure do forever roll.
 And full fruition fills up every soul;
 In view of vast eternity to come,
 Which fixes our unchanging future doom;
 In view of all I ask once more the same,
 And plead for mercy in my Saviours name,
 Commending you to his all gracious care
 That you may hear and grant my earnest prayer.
 This [to] the governor of the State of Nebraska.
 Praying and hoping that he may grant my prayer.

William H. Dodge⁴³

"Noble-hearted ladies" of Nebraska City did "everything in their power" for the doomed prisoner.⁴⁴ Their petition, "signed by 500 or 600 citizens of Nebraska City" who favored commutation of the death sentence to life imprisonment, was presented Governor Garber at Lincoln in the spring. It was followed by a "remonstrance almost as numerously signed" soon afterward. As the execution date neared, Mrs. Covell, Mrs. Robert Hawke, and Mrs. John Croxton, representing 130

women, carried a third petition to Governor Garber.⁴⁵ Mrs. Covell and another woman visited Dodge in jail and reported their impression that "he was not inherently vicious or criminally inclined, but rather a victim of circumstances, one who never had much of a chance in life."⁴⁶

In early July state and defense attorneys made trips to Lincoln to confer with the governor. So did Peter McGuire. As he returned from Lincoln to Nebraska City by train, he talked with a *Daily State Journal* reporter, who described McGuire as a "determined man" in pressing the case against Dodge. McGuire complained to the newsman that he had "spent \$1,800 and nearly two years of time" on the case, yet had been "assailed by certain newspapers in a shameful manner." The reporter, whose assignment was to interview Dodge, found "the all absorbing topic of conversation" in Nebraska City to be the approaching execution.⁴⁷

Governor Garber, having received petitions and emissaries from both the prosecution and defense, decided to go to Nebraska City himself to call on the condemned man. Accompanied by one of Dodge's attorneys, Colonel Ireland, he talked with the prisoner in his cell. Their conversation dealt chiefly with the credibility of the evidence introduced at the trial and the history of the case. According to the *Journal*, the prisoner "told his story eloquently without making any sentimental plea for life, but he did falter once when . . . speaking of a blind sister" at the family home in Pennsylvania. If Dodge had Pennsylvania relatives, none of them took an interest in his predicament. He also claimed to be a nephew of Senator John B. Gordon of Georgia.⁴⁸

Governor Garber gave Dodge no assurance of a stay of execution or commutation of the sentence. But the fact that the governor had made a trip from Lincoln to see the prisoner seemed significant, and those favoring commutation were confident that Dodge "would escape the halter."⁴⁹ Even earlier the *News* editorialized that "we have good right to suppose . . . [Dodge] will have his sentence commuted."⁵⁰ While the governor's visit had given hope to those opposed to the execution, it rankled further those who felt Dodge had received more consideration than he deserved. Those favoring the death penalty told the governor flatly "it was the intention of the Germans" —probably immigrant Germans who sympathized with the

Irish—to mob Dodge if the sentence were commuted. Pat McGuire sometime previously, while assisting in guarding Dodge, had greatly agitated his prisoner by serving notice that “avengers would come down through the roof of the courthouse and shoot him in his cell.” Pat was fired as a result of the threat, but he expressed, no doubt, the mood of the Irish and a strong segment of Otoe County residents.⁵¹

The *Journal* reporter himself was not unimpressed during his interview with Dodge. He described the prisoner as “a young man of medium size, rather stoutly built with broad face and fleshy neck, a clear eye, intelligent expression, dark hair, and very slight mustache.” He was neatly dressed and his cell was ornamented with pictures and several copies of the Lord’s Prayer in ornamental type.⁵²

Dodge told the newsmen he had no formal education, and had come West about eight years previously to follow the life of a hunter. If true, this would have put him on the frontier while in his early teens. He termed his arrest and trial a “persecution,” charging witnesses with perjury, and spoke bitterly of Peter McGuire, who, he said, had pressed the case “without attempting to reach the truth of it.” Hardin, he charged, was “in the penitentiary instead of occupying a cell . . . under sentence of death” only because McGuire had not urged the death penalty for both men. Apparently this statement referred to assistance Hardin had given the prosecution in order to avoid the death penalty, a stratagem Dodge obviously believed had the concurrence of McGuire. Despite the efforts in his behalf and the optimism of some persons, Dodge became despondent over his chances to escape death but vowed he “would never be hung.” A three-bladed knife, obviously slipped to him by someone, was taken from him by Sheriff Farber. Why he had it was not explained.⁵³

Between 1 and 2 o’clock the morning of July 10, 1876, masked men, variously estimated at from four to 12, overpowered jailer Peter McGuire as he stepped outside the courthouse jail to investigate a noise. He was restrained while three men entered the jail, intimidated guard Robert White, and shot Dodge as he lay chained to his cot sleeping. He was struck twice in the body and once in the head.⁵⁴

Fatally wounded, at times lucid but muttering incoherently most of the time, he lingered until July 14, when he died. At-

tending him was Dr. N. B. Larsh, who from the time he was summoned held no hope for the wounded man. During his last hours jailer Wymond said Dodge repeated a request he had in despair made earlier: "Take care of my grave."⁵⁵

Dodge was given a "most respectfully attended" funeral, most probably a graveside ritual, but there was grumbling that "people were trying to make a hero out of a murderer." Arranging his last rites were Wymond and the Reverend Thomas B. Lemon, who had been spiritual adviser for Dodge for several months and a frequent visitor before that. Mr. Lemon was the Methodist Episcopal Church presiding elder of the southeast Nebraska district with many years' service with the denomination, including pastorates at Nebraska City.⁵⁶ Dodge is presumably buried in the Nebraska City area, though available cemetery records do not list his name, and it is believed his grave is unmarked.

The *Omaha Bee*, although it had favored exacting the death penalty, was revolted by Dodge's assassination and pointed out that "it was, if anything, a more cold blooded murder than the one for which Dodge . . . had been sentenced to die on the gibbet." The *Bee* also offered its opinion why Dodge had been mobbed:

The assassination of Dodge teaches a very salutary lesson, which those who clamor for commutation or pardon of murderers should heed. There is little doubt that the assassination of Dodge by the masked mob was brought on by the prevalent impression that the sentence would be commuted by the Governor. The fact that Governor Garber, under pressure from over-zealous philanthropists, had visited the prisoner in his prison a few days ago naturally gave rise to the impression that Dodge would escape the halter, and this gave impetus to the act which terminated Dodge's life ten days before it would have been terminated had the sentence been enforced. Let us hope that this tragic end of Dodge may serve as a warning to sentimental intermeddlers with justice."⁵⁷

Indignant at the assassination, Nebraska City officials began casting about for members of the lynch mob. Sheriff Farber did "everything in his power to ferret out the murderers." The McGuire brothers—Peter and Michael—of course, were suspect, though the *News* scoffed that it was incredible to think that Peter, a jailer, would be involved. It pointed out that Peter had passed up opportunities to kill Hardin and Dodge—had he really considered it—when they were his prisoners in western Nebraska or after their recapture in northern

Kansas.⁵⁸ Nevertheless, both Peter and Mike McGuire and Dave Kelly were arrested, the latter two in Palmyra. Judge O. P. Mason on the morning following the murder had on the street openly accused Peter of the act.⁵⁹ Kelly was charged with "complicity" but was discharged without a hearing, "there being no grounds on which to hold him." The preliminary examination of the McGuire brothers "on the charge of the knowledge of the murder of Hank Dodge . . . was [heard] before Judge Robert H. Dickey . . . [but] resulted in the discharge of Mike McGuire." Peter alone, probably because he had been a jailer, found himself held in the sum of \$1,000 for which bail was "speedily furnished" by 15 of his friends.⁶⁰

Governor Garber, Sheriff Farber, and the Otoe County Commission each offered a \$200 reward for information leading to the apprehension of the assassins, but no informants ever came forward.⁶¹ A coroner's jury looking into the matter completed its work on July 21 and adjourned without finding any clues. John Carroll and Charles Warfield, fellow prisoners of Dodge, had refused to testify for fear of retribution, they said, thus indicating they might have had knowledge of the crime.⁶²

Verbal abuse heaped upon jailer Wymond for supplying a silk-lined, homemade casket for the Dodge corpse and for providing a hearse instead of a common wagon to convey it to the cemetery was deplored by the *News*: "If Mr. Wymond has made enemies . . . in giving a human being a decent burial, he may well make up his loss, if loss it be, by the fact that where he made one enemy, he has made a hundred friends," the editor said.⁶³ He also consoled the crusading ladies, who were being held primarily responsible for triggering the mob action: "It appears . . . that those who are condemning the part the ladies took in behalf of getting Dodge's sentence commuted, are wasting their breath in a most uncharitable way."⁶⁴

Twenty-three years later in 1899, Peter McGuire showed up in western Nebraska on the Frenchman, where his brother had camped, driving "a buckboard drawn by a small team of horses, one black and one white . . . carrying his equipment and a small marble (white) casket, seeking the gravesite" of his brother. In the 2-foot by 3-foot casket he hoped to return the bones of his brother to Palmyra for reburial. He told Fred Statz, then living in Chase County, that after finding James



The Reverend Thomas B. Lemon (above left), Methodist, counseled Dodge and helped arrange his last rites. . . . Nebraska Governor Samuel Garber (above right) visited the condemned Dodge in jail at Nebraska City. . . . Entrance (below right) to Dodge's jail cell was through an iron door. Prisoners were at times chained to iron rings embedded in the floor. Today the cell is a storage area. County Clerk Gerald Schmitz is shown in both pictures. Photo by Jeff Barnes, Nebraska City News-Press.



McGuire's camp, he could calculate the spot where his brother may have buried money. The McGuire brothers, Peter said, "had an agreement between them of burying any money or valuables a certain distance from the camp site." Why Peter had waited 23 years to begin his search was not explained to the Statzes. He camped in the neighborhood two months searching a short tributary of the Frenchman, by then called McGuire Slough. His search availed him nothing, and he returned to eastern Nebraska with an empty casket and empty pockets, his brother's bones and the valuables—if any—still buried somewhere in the valley of the Frenchman.⁶⁵

McGuire Slough is a 1½ mile-long watercourse which heads in section 19, township 6 north, range 40 west in Chase County. Varying from 100 yards to 300 yards in width and dry for most of its length, the spring-fed slough became a marsh-like pool before its confluence with Frenchman Creek. Charley Kimberly said "everyone was talking about this event [the McGuire murder]" when his family settled in Chase County in 1886, and people gave him the impression McGuire "was thrown in west of the road west of the spring." At that time near the junction of the slough with the larger stream there "was quite a pond of water—no cattails," which formed an impassable barrier. McGuire's camp and cut-bank living quarters had been on the right bank near the spring, which has long since ceased to run.⁶⁶

Not the least of the unusual and unexplained facets of the Dodge-McGuire affair was the strong support the convicted Dodge managed to draw from a significant proportion of the citizens of Nebraska City. Despite the mass of evidence against him and despite his two jail breaks even before his trial, his popularity grew. Several factors helped to account for it. At this time throughout America members of many churches were concerning themselves with social movements—prison reform, opposition to capital punishment, woman suffrage, prohibition—and many of Dodge's newly made friends were reformers—Methodist in particular. This was an opportunity for them to put their religion into practice. Judge Pound's lachrymose sentencing of Dodge in April, 1876, created more sentiment for Dodge. Finally, Dodge, himself, was his own best salesman. His conduct in Nebraska City belied his reputation elsewhere as a frontier badman. He made a good impres-

sion on government officials, church leaders, reporters, and casual visitors. He decorated the walls of his cell with religious pictures. He wrote poems and letters to newspapers proclaiming his "innocence." How many of the stories he told were tainted with braggadocio or falsehood is difficult to determine. It can be demonstrated that some of them were.

That there was not more sympathy for the murdered James McGuire or for his family by the same people who supported Dodge was understandably resented by the small Irish Catholic settlement near Palmyra, where he had lived.⁶⁷ Within the German community in Nebraska City the Irish gained vocal support, probably because of the problems of assimilation common to the foreign born.

Dodge's claim that he was a relative of United States Senator John B. Gordon of Georgia was denied by Gordon. That Dodge could speak "fluent" Italian, Spanish and Indian tongues, as he professed to do, is questionable, though association with the latter two groups in the West may have given him some knowledge of them. At one time he lamented that he had no formal education, yet a reporter, surely with considerable hyperbole, said he "was well versed in the higher branches of science and mathematics."⁶⁸

Further accomplishments by Dodge were said to be in the fields of music and art. The *News* reported that he was "a fair artist, as the pictures tell that adorn the cage's walls; and the sweet strains of music that are daily to be heard by passersby come from the flute, of which he is a master." If he had not been religiously inclined before he turned to crime, he began to profess it as his chances of eventual release seemed less likely. He had long held "to his first desire to be unattended by a spiritual advisor," then relented and accepted the comfort and advice of the Rev. Mr. Lemon.⁶⁹

While it is not known how Governor Garber would have ruled on the question of commutation of the sentence, since the action of the mob obviated a decision, he did act favorably two years later in June, 1878, when presented with petitions asking that he save the life of Warren Clough, under sentence of death at Seward.⁷⁰

In the Otoe County chapter of his *History of the State of Nebraska*, (1882), A. T. Andreas does not mention the Dodge-McGuire case, though surely it must have been foremost in the

minds of his reporters and editors. Two other cases involving extra-legal executions in Nebraska City, *are* described in detail: (1) the 1866 Caspar Fredericks Dierks "trial" and hanging, recalled by Judge Paul Jessen in 1924 as "a strange mixture of legal execution . . . and enraged mob"; and (2) the lynching in 1878 of Henry Martin and Henry Jackson. Both lynchings were covered sensationally in the press, then rarely alluded to again. The Dodge-McGuire case, on the contrary, gained space month after month during its litigation. And because its final macabre jail scene was never solved, there has been speculation about it well into the 1960-1970s by the few people who still had associations with those involved. There must have been a reason for its exclusion from *Andreas*. Perhaps the animosity between communities, ethnic groups, and religions would have been exacerbated by its inclusion.⁷¹

Suspicion continued to be centered on John Carroll, a prisoner in the jail when Dodge was shot. Two years after the death of Hank Dodge the *News* editorially asked Carroll, who had refused to testify before the grand jury, to name members of the lynch mob, if he knew them:

Now a free man, a resident of this city, and protected by the laws, we would like to hear from him, and . . . by so doing avenge the murder of one, who although guilty of a heinous crime, was under protection and sanctity of the law, but also lift the dark stain from off the dignity of proud old Otoe County . . . which will never rest on it until the mystery of that dark night is revealed and baffled justice vindicated.⁷²

Carroll did not respond to the request for information, if he had it to give. If the *News* was interested in seeing the mobsters arrested and brought to justice, instead of merely expressing its curiosity, it was indicating an earnestness it did not exhibit in the Martin-Jackson lynching. Members of that mob were unquestionably known if "fully two hundred stood on the square . . . ready to assist if their services were required." No names were published, as most often occurred after a public lynching. Too many persons were involved, some of them perhaps influential.

In 1971 Miss Catherine Walsh (188?-1973), a retired school teacher living at Douglas, Nebraska, was interviewed by a researcher checking into the Dodge-McGuire case. As a student living with the Peter McGuire family during her school years at Palmyra before 1900, she recalled discussing the case many

times with Mrs. McGuire. During their talks Mr. McGuire never entered the conversation, she said, finding it impossible to review the incidents following his brother's murder without becoming agitated. He left the room when it was discussed. Peter contended he was not involved in the conspiracy which led to the shooting of Dodge, having been restrained outside the courthouse by masked men when the murderers entered the jail and shot Dodge. Yet, as a jailer he felt somewhat responsible and regretted that orderly legal processes had been circumvented. He may also have come to know, or to suspect, the identity of those who had invaded the jail, and the knowledge disturbed him greatly, according to Miss Walsh. An earnest Catholic, McGuire viewed the taking of life a matter that should have been left up to the state.⁷³

Though Hardin had cooperated with the prosecution and had pleaded guilty, Peter McGuire feared the time Hardin would be released from the penitentiary. For some reason he believed that Hardin might hold a grudge against the McGuires as being responsible for putting him behind bars. McGuire's fears were groundless. After Hardin was released in 1890, he did not return to Otoe County. Peter died at his home in Palmyra precinct, Otoe County on April 12, 1928, at the age of 84.⁷⁴

Following her husband's death, Mrs. Peter McGuire wrote the District Court of Otoe County at Nebraska City asking for "the papers in the case of the State vs. Dodge and Hardin." As knowledgeable as she was about the matter, there still must have been phases of it even she wished to clarify. John C. Miller, clerk of the court, searched the files and found the transcript had vanished—the second time the legal papers in the case had been destroyed. The rifle Dodge and Hardin had used to murder James McGuire was owned by the McGuires in 1924. Mrs. McGuire made it known that she intended to give the weapon to the State Historical Society.⁷⁵ She appears never to have done so. There is no record of its accession to the Society Museum.

NOTES

1. *Nebraska City News-Press*, October 2, 1932.
2. *Omaha Bee*, July 11, 1876.
3. Conversation, L. G. DeLay with Frank Madigan, son of Thomas Madigan, Wallace, Kansas, October, 1963.
4. *Goodland (Kansas) News*, clipping dated 1926, containing "letter to editor" from Joe Hutt, ex-frontiersman. The letter may have first been printed in the *Ellis County News* (Hays, Kansas), date unknown; *Lincoln State Journal*, July 15, 1876.
5. *Omaha Bee*, October 21, 1874.
6. *Goodland News*, clipping dated 1926.
7. *Omaha Bee*, January 4, 1876.
8. Madigan interview, October, 1963.
9. Justice of the Peace Criminal Docket, Big Creek Township, Ellis County, Kansas (Hays City), State vs. William H. Dodge and Walter Hardin, October 12, 1874.
10. R. W. Furnas Collection, Box 3, Folder 26, Nebraska State Historical Society.
11. *Ibid.*
12. *Ibid.*
13. *Ibid.*
14. Justice of the Peace Criminal Docket, Big Creek Township, Ellis County, Kansas (Hays City), State vs. George McClanahan, February 8, 1875.
15. *Historic Preservation in Nebraska* (Nebraska State Historical Society, 1971), 33.
16. Furnas Collection, Nebraska State Historical Society.
17. Raymond E. Dale, "Otoe County Pioneers, a Biographical Dictionary," bound, unpublished typescript, Nebraska State Historical Society, see McGuire entries.
18. *Nebraska City News*, March 20, 1875; *Reports of Cases in Superior Court*, 1875-1876, State of Nebraska, page 225.
19. *Nebraska City News*, March 20, June 5, 1875; *Nebraska State Journal* (Lincoln), June 5, 1875.
20. *Nebraska City News*, June 5, 1875; *Nebraska State Journal*, June 18, 1875.
21. *Nebraska State Journal*, June 18, 1875.
22. Silas Garber Collection, Nebraska State Historical Society.
23. *Nebraska State Journal*, September 14, 1875.
24. *Ibid.*, June 18, 1875.
25. *Nebraska City News*, July 3, 1875. *Nebraska State Journal*, September 14, 1875.
26. *Nebraska City News*, April 13, 1923.
27. *Ibid.*, July 12, 1876.
28. *Nebraska State Journal*, September 14, 1875, July 15, 1876.
29. *Nebraska City News*, September 12, 1875.
30. *Ibid.*, September 18, 1875.
31. *Nebraska City News*, September 18, 1875; *Nebraska State Journal*, September 14, 1875.
32. *Nebraska City News*, September 18, 1875.
33. *Nebraska City News*, September 18, 1875; *Nebraska State Journal*, September 19, 1875.
34. *Nebraska City News*, October 2, 1875.
35. *Nebraska City News*, September 18, February 12, 1876; *Report of Cases in the Supreme Court of Nebraska* (Des Moines, 1876), 220-234.
36. *Nebraska State Journal*, c. December 25, 1875.
37. *Omaha Bee*, January 4, 1876.
38. *Ibid.*

39. *Lincoln State Journal*, December 25, 1875.
40. *Nebraska State Journal*, January 3, 1876.
41. *Nebraska City News*, April 9, 1876; *Beatrice (Nebraska) Express*, April 13, 1876.
42. *Beatrice Express*, April 13, 1876.
43. *Nebraska City News*, June 3, 10, 1876.
44. *Omaha Bee*, July 10, 1876.
45. *Nebraska State Journal*, July 9, 1876.
46. *Nebraska City News-Press*, October 2, 1932.
47. *Nebraska State Journal*, July 9, 1876; *Nebraska City News*, July 8, 1876.
48. *Nebraska City News*, July 8, 1876.
49. *Omaha Bee*, July 11, 1876.
50. *Lincoln State Journal*, July 9, 1876.
51. *Ibid.*, July 11, 1876.
52. *Ibid.*, July 9, 1876.
53. *Ibid.*
54. *Ibid.*, July 11, 1876.
55. *Omaha Bee*, July 11, 1876; *Lincoln State Journal*; July 11, 1876.
56. *Nebraska State Journal*, July 22, 1876.
57. *Omaha Bee*, July 11, 1876.
58. *Nebraska State Journal*, July 3, September 14, 1875; *Nebraska City News*, July 22, 1876.
59. *Nebraska State Journal*, July 11, 1876.
60. *Nebraska City News*, July 22, 1876.
61. *Ibid.*, July 18, 1876.
62. *Nebraska State Journal*, July 18, 1876.
63. *Nebraska City News*, July 22, 1876; *Nebraska State Journal*, July 18, 1876.
64. *Nebraska City News*, July 29, 1876.
65. Letter, Mrs. Fred Statz to E. S. Sutton, November, 1963; Letter, Mrs. Mary Kimberling to E. S. Sutton, January 2, 1964.
66. *Ibid.*
67. Interview of Catherine Walsh, Dunbar, Nebraska, by L. G. DeLay, August, 1970.
68. *Nebraska State Journal*, July 9, 11, 1876. Confederate General John B. Gordon, a distinguished combat leader, served as US senator and governor of Georgia after the Civil War. Why Dodge claimed him as a relative is unknown.
69. *Nebraska City News*, June 3, 1876; *Omaha Bee*, July 10, 1876; *Nebraska City News-Press*, October 2, 1932.
70. *Nebraska City News*, September 18, 1875, June 8, 1878, July 22, 1878; Interview of Catherine Walsh, by L. G. DeLay, August, 1970.
71. Andreas, 1204, "District Court of Otoe County," a manuscript collection of Nebraska City Court Memoirs of judges, lawyers, etc. (Nebraska City, 1924), 37, at Nebraska State Historical Society.
72. *Nebraska City News*, July 22, 1878. Carroll had been released a short time previously after serving 20 months in the state penitentiary for an offense unrelated to the Dodge-McGuire case.
73. Interview, Catherine Walsh.
74. Interview, Catherine Walsh; *Nebraska City News-Press*, April 13, 1923; Interview of Ralph Palmer, Palmyra, Nebraska, by L. G. DeLay, August, 1970.
75. *Nebraska City News-Press*, April 18, 1924.