

Nesbitt Memorial Library Journal

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Colorado County History*

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Contents

Capital Punishment in
Colorado County History

by Bill Stein 131

Nesbitt Memorial Library Journal

Editor
Bill Stein

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Capital Punishment In Colorado County History

by Bill Stein

At least ten men have been legally hanged in Colorado County. Three other men have been executed for crimes committed inside the county. In three other cases, men were sentenced to hang but "cheated the gallows".

The executions were not evenly spaced throughout the county's history, but tended to come in bunches. More than twenty-five years elapsed between the first three hangings, a triple execution in 1856, and the fourth. The fifth was just five years later. Then the gallows lay idle for more than fifteen years. The sixth, seventh, and eighth executions all occurred between 1904-1907 and the ninth, tenth, and eleventh fifteen years later, between 1922-1924.

There was a common denominator in most of the executions: the victim was a young black man. Most of the cases involved murder, though a few did not. Only one involved the rape of a white woman by a black man. The perpetrators of that particular crime usually did not survive long enough to be executed by the state. Six such criminals met their fate at the hands of Colorado County lynch mobs and are not listed here.

THE SLAVE REVOLT

In the summer of 1856, the slaves of Colorado County devised a secret plot to murder their masters, steal their horses and guns, and fight their way to freedom in Mexico. The white women were to be taken alive and given as wives to whichever slaves would have them. They began accumulating guns, knives, and ammunition with a view toward carrying out their plot late on the night of Saturday, September 6, 1856. The ringleaders, three slaves and a free black man, developed secret passwords and signs and organized the rebels into units of two to ten men. Each unit

was assigned to attack a particular home. They adopted as a motto, "Leave not a shadow behind", and swore every man to secrecy under penalty of death.

Late in August the plot was discovered. Apparently one of the conspirators had gotten cold feet and warned his owner, who, identified as "Mr. Toake", was probably Isam Tooke. Many of the slaves, including three of the ringleaders, were arrested. A fourth leader, a man identified only as "Frank" escaped.

Though slaves could be tried for criminal offenses, there is no evidence that, in this case, there was a trial. The law called for the death penalty, but the citizens, no doubt concerned about their potential massive loss of labor and property, unanimously consented to spare the lives of most of the offenders. On the afternoon of September 5, 1856, the three ringleaders were hanged. The *Galveston Tri Weekly News* also reported that one or two others were whipped to death.

EMILE HOUILLON

In February, 1876, Emile Houillon was riding to Frelsburg from Columbus when he encountered Mathias Malsch riding toward him. Houillon suspected Malsch of seducing his wife, Belle. He knew that the two had exchanged letters and that once, when she was supposed to be in New Orleans, his wife had gone instead to Galveston, where she stayed in a hotel at Malsch's expense.

Houillon did not wait to speak. He drew his pistol and opened fire. Malsch was hit and his horse threw him. He scrambled to his feet and started running down the road. Houillon pursued him on horseback, still shooting. Malsch was hit again and overtaken. Houillon dismounted, drew his knife, and stabbed Malsch three times.

Leaving Malsch dead or dying Houillon rode to a nearby home, discarding his knife in a field on the way. He told of the difficulty but said that Malsch had been waiting behind a tree to ambush him and had fired the first shot. He also said that Malsch was alive when he left the scene. But Houillon did not know that two young men had seen the

murder. The witnesses disputed his story. They showed authorities where Houillon had discarded his knife and he was taken into custody.

At his trial, in March, 1877, Houillon claimed that the knife was not his and speculated that it belonged to another, unknown man who had chanced by and killed Malsch. He also denied any knowledge of an affair between his wife and Malsch. But the jury did not believe him, noting that the affair was common knowledge, that Malsch was unarmed, and that marks in the road clearly indicated that he had ruthlessly chased the fleeing Malsch for more than 100 yards. There were also allegations that Houillon had poisoned his previous wife and that he had swindled a man in New Orleans. The guilty verdict came in on March 19. Houillon was sentenced to be hanged.

Houillon's execution was scheduled for April 20, 1878. As the day approached he petitioned for a commutation. Governor Richard B. Hubbard granted him a reprieve until May 24 but refused any further action. The night before he was scheduled to be hanged Houillon wrote letters to his wife and attorney and committed suicide by ingesting strychnine. It was never discovered how he got the poison.

Curiously, a rumor arose after his death that his suicide had been faked by his friends in the county. Houillon was said to have been provided with ample means, a new identity, and a new home. In any case, he had avoided becoming the first white man to be executed for a crime committed in Colorado County.

JAMES STANLEY

On November 27, 1882, Robert Strickland, a young storekeeper in the Eagle Lake bottom, was murdered in his bed by two blows to his head with an ax. The murderer also stole \$65. The testimony of several blacks implicated a named Jim Stanley. Stanley, who was also a black man, had quit his job as a cotton picker on the morning of the 28th, bought new clothes, and left town. Sheriff Light Townsend tracked him to San Antonio, and arrested him.

Stanley at first tried to place the blame for the crime on a man named Jeff Lewis. But after his conviction, a Columbus minister, Hamilton McKenna, extracted a long confession in which Stanley explained his motives and expressed remorse. He said that his girl friend, Sarah Walker, had encouraged him to raise some quick money so that they could go to Mexico and be married. He saw his chance when he was left alone with Strickland and took it. He summed up his case with "I listened to women, and went astray." But he blamed only himself and was resigned to his fate. On September 10, 1883, he was sentenced to be hanged.

At two o'clock on the afternoon of October 20, 1883, Stanley was taken from the jail to the county farm, where a scaffold had been erected for his execution. McKenna and another minister, Daniel Whitley, rode with Stanley, Sheriff Townsend, and a group of deputies.

A crowd of about 3000 people, most of them black, had gathered to witness the execution. Strickland's mother, dressed in black, stood near the scaffold with her three remaining children. Sarah Walker was also there. Stanley addressed the crowd for about half an hour, chanting more than speaking. He warned them to beware of whiskey, cards, and women. He praised his mother and his upbringing and encouraged all to turn to religion. At the conclusion of his speech, McKenna led the crowd in a hymn and a prayer. Sheriff Townsend then read the death warrant and placed the black hood over Stanley's head. The crowd sang another song and Stanley called Walker up to the scaffold to whisper a few parting words to her.

His courage wavered momentarily, but he recovered. The trap was sprung at his request at 3:05, two minutes ahead of the scheduled time. Fifteen minutes later, Drs. Bob Harrison and A. S. McDaniel pronounced him dead. The crowd was dispersed by a sudden heavy rainfall and Stanley's body was delivered to a local physician, who had bought it from the family.

ED OSBORNE

On December 22, 1886, West Kirby was taking

some horses to pasture when someone fired five shots at him. He was hit three times and died a few minutes later. Sheriff Light Townsend arrived before he died, and got him to state twice that Ed Osborne, one of his neighbors, had done the shooting. Townsend's deputy, Larkin Hope, found and arrested Osborne before Townsend left the scene. Osborne maintained his innocence, and stated that his pistol and shotgun could be found at his home. Townsend found the pistol under the head of the bed and the shotgun in Osborne's corn crib. In the sheriff's judgement, both guns had been recently fired. The following morning, he found a trail of footprints from the scene of the murder to Osborne's house and matched them to Osborne's shoe.

On the basis of such evidence, Osborne was convicted of murder and sentenced to hang on March 19, 1887. Shortly afterward, he wrote a letter to the *Colorado Citizen* in which he admitted having some ill feelings toward Kirby but denied that he had committed the crime. He filed an appeal, and on June 21, 1887, was awarded a new trial. The Court of Criminal Appeals ruled that Osborne had "been denied rights guaranteed to him by the laws" and that therefore "judgement is reversed and the cause remanded for another trial". On September 17, 1887, he was convicted again, but this time sentenced to life in prison. More than ten years later, in June, 1898, he escaped from prison. No further notice of him has been found.

WILLIAM WASHINGTON

On December 28, 1887, a 19 or 20 year old black man named William Washington who worked for John Miller, a farmer near Frelsburg, attacked his employer's wife, Mary, in her home. When she fled into the fields, he chased her down and cut her throat. It was evident from the condition of the body that the deceased had recently had sexual relations. Sheriff Light Townsend and Constable George Crawford immediately raised a search and captured Washington near Shelby. He was returned to Columbus and jailed.

The citizenry was strangely quiet about the

matter for nearly three weeks. Townsend used the time to transfer Washington to another jail. Finally, about 10 o'clock on the night of January 18, 1888 the expected lynch mob appeared. Some seventy-five men rode up to the jail and demanded that Townsend turn Washington over to them. Townsend met them at the door and informed them that Washington was no longer in his jail. After he offered to let the mob look for themselves, they turned and rode off. In March, 1888, Washington went to trial and was convicted. He lost on appeal, and at the September term of the district court, Judge George McCormick sentenced him to hang. In jail, in an interview with the Reverend Daniel L. Whitley, he made a confession which contained some scandalous accusations:

Washington: I lived with Mr. Miller and family for four years and know them well. There was a general disagreement in the family circle, on account of Annie, sister of Mrs. Miller. Mr. Miller always carried Annie to town and never his wife. Mr. Miller had told me prior to the killing, if I would kill Mary, his wife, so that he could marry Annie, her sister, he would give me a hundred dollars. I did not decide to do so until on the night of the killing. On that night, Mr. Miller, Charley Sommerlatte, and I went to a ball in the neighborhood. Nothing was said about it on the road but after we reached the place Mr. Miller taking me aside, said to me that now was the time to kill her as he was away. "Go back," he said, "and kill her and I will not have you prosecuted." Look in my trunk, it's not locked, and get fifteen dollars; five dollars in silver and a ten dollar gold piece, and leave the other money in there. Be sure to do this tonight, for I am now obliged to marry Annie to save our name from disgrace." I then goes back to Miller's house, found Mrs. Miller putting the children to bed, pushed the door open and enters, goes to the bed and with her consent gratify my desire. After this I shortly arose, opened my knife to cut her throat but she so strongly resisted, and after a scuffle in the house, she managed to get away and ran into the lot. I caught her, threw her down and cut her throat. I went then in the house and got the money and goes back to the house where the ball was, and seeing Mr. Miller, he came to me and told him I had killed her. He asked me did I get the money. I told him I did. He said, "Let me see it." I

showed it to him. He said "That's all right, I'll pay you the balance after while." I went home and goes to bed. Next morning Mr. Miller came over to my house and got me to go around to notify the people. I committed no rape on the dead body.

Whitley: Why did they suspicion you to have done the murder?

Washington: In the scuffle one of my cuff buttons was found near the body and in comparing with the one I had on, also blood on my shirt. I was arrested by the constable, but got away and was far on my way of escape when spied by Messrs. Townsend and Crawford.

Whitley: Why did you say to Messrs. Townsend and Crawford, on the day of your arrest, that you killed Mrs. Miller because her husband owed you some money and she forbade him paying you?

Washington: I did make such a statement, being frightened at the time would make any kind of statement. I cannot remember all I did state to them. They spoke something about a mob. I begged Mr. Townsend to not let them kill me. He told me not to be uneasy.

Whitley: Washington, you are going into eternity. If you go with a lie in your mouth, woe, woe unto you. There is no forgiveness, so we want the truth and nothing but the truth, for tomorrow is your last day and so let all you say be the truth. Are all these words truly from the heart and with the above statements? Can you die with a clear heart that before your death you uttered the full statement, adding and taking nothing away from the annals of the crime?

Washington: I die with such heart and have added nor taken anything away as I can remember.

Whitley: Do you feel ready and willing to die for the crime you committed?

Washington: I know it to be a dark and heinous crime. I hated to face the people but know it illegal, am willing to die for its wrongness, I am ready and willing to die.

His confession, which was printed in the October 25, 1888 edition of the *Colorado Citizen*, no doubt raised many eyebrows, but no one in authority seemed to take it too seriously. In any case, it did not relieve him of guilt for the crime. On October 19, 1888, at about one o'clock in the afternoon, Washington was hanged on a scaffold erected in the western part of Columbus. He was calm, and showed neither remorse nor fear. The Columbus Rifles served as a

guard. About 2000 people attended the execution, but Washington declined to address them. His body was turned over to Dr. A. S. McDaniel, to whom he had sold it.

John Miller published a statement in the November 1, 1888 edition of the *Citizen* in which he said that Washington's confession "so far as it relates to my hiring him to murder my sister-in-law, is a lie from beginning to ending." There was no investigation into Miller's alleged part in the crime.

DAVE DANCY

On February 11, 1898, Dave Dancy and a friend named Amos Ward went to the home of Martin Stapleton to try to persuade Dancy's wife, Harriet, to return to Dancy's home. Stapleton was Dancy's son-in-law, and his wife had been living there since February 5. Though Dancy evidently did not yet know it, Harriet had filed for a divorce on February 9. In her petition, she stated that her husband had threatened to kill her three previous times and had actually fired two shots at her on one of those occasions.

When Dancy and Ward arrived at the Stapleton home, Harriet Dancy was eating breakfast with the family. Dancy sat down next to her and asked her to return home. She refused, citing mistreatment at his hands and telling him for the first time that she had seen an attorney about a divorce. She rose from the table and went into the yard. Dancy followed her. He later testified that she then got violent, clutching at his throat. The family inside heard her scream and rushed outside. Dancy had killed her with a blow to the skull with a heavy stick.

On March 28, 1898, he was convicted of murder in the first degree and sentenced to be hanged. Two days later, Dancy appealed. On June 1, 1898, the Court of Criminal Appeals affirmed the District Court's judgement. At its Fall term, on September 10, 1898, the court set Dancy's execution date as December 16, 1898. But on December 10, on the grounds that the crime was not premeditated, Governor Charles A. Culberson commuted Dancy's sentence to life in the state penitentiary.

Capital Punishment

HENRY HOLMES

(alias Tally Guy alias Jim Morris)

On December 29, 1903, a Mexican man who went by the name of John Bell (his real name was Juan Ville) and his three year old son Emil were found dead near a railroad track in Eagle Lake. John Bell had been decapitated by a passing train, and his son had severe head injuries.

Despite the obvious injuries caused by the train, Deputy Sheriff Harvey Vineyard suspected foul play. A lead pipe encrusted with blood and hair that had been found a short distance from the bodies further convinced Vineyard that the two had been murdered. His investigation pointed to a black man who had recently been released from prison. The man, who had served his sentence under the name Tally Guy, was now calling himself Henry Holmes. He also had a third alias, Jim Morris.

Vineyard arrested him and found Bell's pocket-book in his possession. A couple of days later Holmes confirmed that he had committed the crime. His motive was robbery and he stole \$17. He stated that he had not meant to kill the child, but that, because Bell had been holding his son, he had accidentally hit little Emil with the first blow. Since the child would not stop crying, he beat him to death as well.

In March 1904, the 31 year old Holmes went on trial for the murder of Emil Bell. He was convicted and sentenced to be hanged on March 28. His case was appealed but the original verdict was affirmed in May, 1904 by the Court of Criminal Appeals in Austin. On September 19, 1904, Judge Mumford Kennon set the execution date: November 25, 1904.

On November 14, two weeks before the execution, the Colorado County Commissioner's Court hired two guards to keep a constant watch on Holmes in his jail cell in Columbus. At two o'clock on the afternoon of November 25, 1904, he was taken to the county farm and hanged. After praying and singing on the scaffold, he addressed the crowd of between 800 and 1000 people for about a half hour. In his talk, he admitted that he was guilty of the murder

for which he was being hanged, and also said that he had committed worse. Then he shook hands with Sheriff Dick Bridge and Deputy Vineyard, the hood was placed over his head, and the trap was sprung.

WALTER BATES

On July 15, 1905, a 24 year old black man named Walter Bates entered the home of Fred and Anna Kuhlee five miles southeast of Eagle Lake, clubbed them over the head with an ax, and stole \$9.50 and a pistol. The next morning, the Kuhlees were found lying in pools of their own blood, unconscious, but still alive. Though horribly injured, both recovered.

Bates was arrested at Rosenberg three days later, still in possession of the pistol. He went to trial on October 9, 1905. Not realizing that the death penalty was a possibility in his case, he pleaded guilty to the attack on Anna Kuhlee. The transcript of his sentencing on October 12 by District Judge Mumford Kennon, as it appeared in the *Weimar Mercury* of October 21, 1905, shows how aware of his predicament he was:

Kennon: Stand up, Walter Bates. At a former day of this term you were tried upon an indictment which charged you with the robbery of Anna Kuhlee, and charging further that you committed the robbery by the use of deadly weapons. After being duly warned by the court of the consequences of your plea, and after having been informed what the penalty is for this offense, you pleaded guilty. The jury, after hearing you plead and the evidence, found you guilty, as charged in the indictment, and assessed your punishment at death. Have you anything to say why the sentence of the law should not be pronounced against you?

Bates: Yes, sir.

Kennon: What is it?

Bates: Me and another fellow was going to town, and we got to the lake and he goes on back home a piece - at least, he said he was going back home. He and another fellow, I disremember what his name was, went on back home, and I goes on down there by myself, and I done it by myself; but this woman I didn't intend to strike her. I struck her through mistake.

Capital Punishment

Kennon: You struck her through mistake?

Bates: I just pleaded guilty to it, which I did do it by myself.

Kennon: You want to let it be known that nobody had anything to do with it but yourself?

Bates: Yes sir. I done it by myself, and pleaded guilty to it. I didn't think I could be hung for the crime.

Kennon: Well, that was a matter with the jury.

Bates: I ask for thirty days before hanging.

Kennon: You are entitled to not less than thirty days, and I want to inform you also that you have the right to appeal this case and take it to a higher court, if you want to.

Bates: No sir. I done it by myself, and nobody didn't persuade me to do it and nobody didn't help me to do it.

Kennon: Mr. Malsch, have you consulted with him in regard to appealing this case?

Edwin A. Malsch (Bates' counsel): Yes sir.

Kennon: Do you want to be sentenced now?

Bates: No sir.

Malsch: He asked you if you wanted to be sentenced now.

Bates: Yes sir.

Kennon: You understand, of course, that when this sentence is pronounced you can't go any further with it. I don't know that I exactly understand you in regard to the time. You say you want the shortest time?

Bates: Yes sir. I want the shortest time.

Kennon: You understand fully what you are doing?

Bates: I am asking for thirty days if I can get it.

Kennon: You can get thirty days or more.

Bates: Yes sir.

Kennon: The sentence is that on Friday, December 8 of this year, the sheriff, in accordance with law and between the hours prescribed by law, shall carry out the sentence of the court by hanging you by the neck until you are dead...

On the appointed day, around 2:30 in the afternoon, he was hanged at the county farm with the same rope that had been used to hang Henry Holmes a year earlier. About 1000 people attended. His victims, Fred and Anna Kuhlee, were among the crowd.¹

¹ Bates' attorney, Edwin A. Malsch, was the son of the Mathias Malsch who was killed by Emile Houillon. As his handling of the Bates case suggests, he was not a very highly regarded attorney. In 1906, at the unanimous urging of the local bar association, disbarment proceedings

JOHN ARMSTRONG

On August 25, 1906, John Armstrong, 28, killed his wife, Kathryn, in an Eagle Lake cafe. He had been trying to persuade her to come home with him, but she stated that she intended to go home with another man. Infuriated, he pulled a knife and stabbed and cut her repeatedly. Apprehended the next day near East Bernard, he was returned to Eagle Lake on September 1. Several hundred people of both races gathered around the Eagle Lake jail, apparently with the intention of lynching Armstrong, but officers with drawn guns held them back. He was quickly sent to the county jail in Columbus for fear that there would be a second attempt.

Armstrong went on trial in district court at Columbus in October, 1906. He smoked heavily during the trial, but seemed calm and received his conviction and sentence of death on October 13 with equanimity. He appealed, but lost. In February, 1907, Judge Kennon handed down another death sentence.

On the grounds that the murder did not seem to be premeditated, many were shocked at the severity of Kennon's sentence. Armstrong had purchased the knife the afternoon of the murder, but, he claimed, only because another man had teased him about his wife's activities. He also had a previous arrest record but only for minor offenses.

Armstrong's lawyers, Joe Dick Wooten and

were brought against him because of his handling of some divorce cases. In one, he tried to instigate a divorce, writing a prospective client, "We understand that you want to get married to another young lady but owing to the fact that you have a legal wife living, you cannot marry unless you want to go to the penitentiary, and this would not remedy matters. Now we have a proposition to make to you, which is as follows: If you will pay us \$600 for your wife, Mary, and pay us a reasonable attorney's fee we will secure your divorce in the March court. This proposition only remains open to you until January the 10th 1904. You can never get a divorce without our consent." In another case, he secured divorces for a man and a woman, who, though they were already married to others, wanted to marry each other. In getting the divorces, Malsch filed the petitions in the names of his client's spouses without their knowledge or consent. Malsch was subsequently suspended from the practice of law for one year.

Christian Grobe, carried a petition to the governor asking that his sentence be commuted to life in prison, but the governor refused to intervene. He was hanged at the county farm on April 26, 1907.

ALBERT WOOLRIDGE

On October 13, 1922, Albert Woolridge's last appeal was exhausted, and acting District Judge Olinthus Ellis sentenced him to hang for murdering his wife, Emma, in their Osage area home with a shotgun blast to the head on May 20, 1921. On December 15, 1922, between 500 and 1000 people gathered at the county farm to witness the first legal hanging in the county since 1905. Woolridge, who like all those previously executed in the county was black, continued to profess his innocence, even on the scaffold, but announced that he was ready to die. His address was followed by one from Dan Thomas, a Columbus preacher. At 2:29, while Woolridge was singing a hymn, Sheriff John Wegenhoft tripped the door. Dr. Bob Harrison pronounced him dead nine minutes later.

RAY JONES

On March 9, 1923, yet another black man, Ray Jones, was hanged at the county farm for criminally assaulting a white woman in Gonzales in 1921. The case had caused such tremendous excitement in Gonzales County that Jones was transferred to jail in Colorado County. He was tried and convicted on September 28, 1921. He appealed, but, on May 31, 1922, the Court of Criminal Appeals affirmed the lower court's verdict.

More than 2000 people attended the execution. In his address, Jones, like Woolridge, continued to proclaim his innocence, but admitted to other crimes. Dan Thomas was again on hand to deliver a benediction. The trap was sprung at 2:14, and this time it fell to Dr. Josiah Payne to announce the death. The rope was turned over to the sheriff of Gonzales County to be cut up and distributed as souvenirs. Jones was the last person to be legally executed in Colorado County.

ED KIRBY

Less than a month after Albert Woolridge's execution, on January 5, 1923, a black tenant farmer named Ed Kirby ended a heated domestic squabble with his wife, Lula, by picking up an ax and killing her with a blow to the head. Two of the Kirby's children discovered their mother's body that afternoon. Kirby fled into the country. He was apprehended by his employer, Charles Herder, and driven into jail in Columbus. In February, 1923, he was tried, convicted, and sentenced to hang. On October 10, 1924, he was executed at the state prison.

BENNIE RANDALL

At about 7:30 on the night of January 21, 1938, Ida Smith, home in bed, heard a noise in her kitchen and arose to investigate it. Just as she struck a match to light a lamp a young black man grabbed her, extinguished the match, threw her on the bed, and raped her. He then stole some food and fled into the night.

Because Smith was a white woman and was 77 years old the community again went into an uproar. The next week, a 28 year old laborer named Bennie Randall was arrested for the crime. Randall was immediately rushed off to Houston to be confined.

On February 28, 1938, Randall was to be returned to Columbus to stand trial and Sheriff Bruce Mayes made extensive preparations to ensure that he would be safe. On the appointed day, Mayes, a detachment of highway patrolmen, deputies from several counties, and Company A of the Texas Rangers all escorted Randall. Additionally, they took turns standing guard while the trial was in progress.

Randall's trial went swiftly. His fate was sealed when Smith took the stand and offered her testimony. The jury deliberated less than an hour before returning with a guilty verdict and sentencing him to die in the electric chair. His lawyers appealed the verdict, but it was upheld by the Court of Criminal Appeals in Austin in June, 1938. He was executed on May 7, 1939 at the state prison in Huntsville.

Capital Punishment

BRUCE ELTON JORDAN

(alias B. F. Johnson)

At nine o'clock on the night of April 17, 1943, Bruce Elton Jordan and his employer, Tom Dye, left Houston for San Antonio in Dye's truck to pick up a load of produce. With Jordan at the wheel, Dye sprawled out on the passenger side. By the time the duo reached Columbus, Dye had dozed off.

Unbeknownst to anyone, Jordan had already gotten away with murdering a man named Clarence Harrison. On the night of December 10, 1942, he and Harrison, who lived in the same Houston hotel, had gone for a drive. Jordan murdered Harrison with a blow to the head, robbed him of \$56, and threw the body into Buffalo Bayou near the Preston Avenue bridge. The authorities found the body eight days later and ascribed Harrison's death to an accidental fall.

Though Dye was asleep and at his mercy, Jordan's second murder was not so easy. About five miles west of Columbus, he stopped the truck near a railroad track, produced a pistol, and shot his sleeping employer in the head. Dye jumped up, leaped out of the truck, and stumbled toward the tracks. Jordan ran around the back of the truck and fired five more shots at the wounded man. Dye, hit five times, staggered to the middle of the highway, fell, and died. Jordan dragged him off the road, relieved him of his bank roll, \$732, and drove the truck back to Houston. He changed clothes in his hotel room and caught a bus to Knoxville, Tennessee. There, he was arrested a few days later.

Shortly after his arrest, he confessed to both murders. He was tried and convicted that September. In February, 1944, District Judge Lester Holt sentenced him to die and set an execution date of March 17, 1944. The governor granted a thirty day stay of execution. He was electrocuted at the state prison in Huntsville on April 16, 1944, one day before the first anniversary of Dye's murder. He became the first white man to be executed for a crime committed in Colorado County.

Appendix A

**Letter of Corresponding Committee
Regarding The Slave Revolt**

From the *Galveston Tri Weekly News*, September 11, 1856

Columbus, Colorado County, September 9th 1856

Messrs. Editors: - The object of this communication is to state to you all the facts of any importance connected with a recent intended insurrection.

Our suspicions were aroused about two weeks ago when a meeting of the citizens of the county was called and a committee of investigation appointed to ferret out the whole matter and lay the facts before the people of the county for their consideration. The committee entered upon their duties and in a short time they were in full possession of the facts of a well organized and systematized plan for the murder of our entire white population, with the exception of the young ladies who were to be taken captives and made the wives of the diabolical murderers of their parents and friends. The committee found in their possession a number of pistols, bowie knives, guns and ammunition. Their pass words of organization were adopted, and their motto, "leave not a shadow behind."

Last Saturday the 6th inst. was the time agreed upon for the execution of their damning designs. At a late hour at night all were to make one simultaneous, desperate effort with from two to ten apportioned to nearly every house in the county, kill all the whites, save the above exception, plunder their homes, take their horses and arms, and fight their way on to a "free state" (Mexico).

Notwithstanding the intense excitement which moved every member of our community and the desperate measures to which men are liable to be led on by such impending danger, to which we had been exposed by our indulgence and leniency to our slaves, we must say the people acted with more caution and deliberation than ever before characterised the action of any people under similar

circumstances.

More than two hundred negroes had violated the law, the penalty of which is death. But by unanimous consent the law was withheld and their lives spared with the exception of three of the ring leaders who were, on last Friday, the 5th inst., at 2 o'clock P. M., hung in compliance with the unanimous voice of the citizens of the county.

Without exception, every Mexican in the county was implicated. They were arrested and ordered to leave the county within five days, and never again to return under the penalty of death. There is one, however, by the name of *Frank*, who is proven to be one of the prime movers of the affair, that was not arrested, but we hope that he may yet be, and have meted out to him such a reward as his black deed demands.

We are satisfied that the lower class of the Mexican population are incendiaries in any country where slaves are held, and should be dealt with accordingly. And, for the benefit of the Mexican population, we would here state that a resolution was passed by the unanimous voice of the county, forever forbidding any Mexican from coming within the limits of the county.

Peace, quiet and good order are again restored, and, by the watchful care of our Vigilance Committee, a well organized patrol and good discipline among our planters, we are persuaded that there will never again occur the necessity of a communication of the character of this

Yours respectfully

John H. Robson, H. A. Tatum, J. H. Hicks
Corresponding Committee

Appendix B

The Confession of Jim Stanley To Hamilton McKenna From the *Colorado Citizen*, October 18, 1883

I was in company with Sarah Walker on Sunday, 5:30 p.m., November 25th, 1882; walked from her residence about ten miles from Eagle Lake; left Miss Walker and

went down to Dave Thomas', where I stayed all night. I there ate my breakfast next morning; left about 10 a. m. for Harry Riggins' where I had carried a pistol that I wanted to sell to him for the purpose of raising enough money to keep a promise I had made to Sarah Walker, to carry her away with me, as I had no money in hand. I went to see Robert Strickland on Monday evening at his store. Ben Pratt had killed two ducks and given them to young Strickland and he asked me to cook them for supper; and while I made ready the supper, he proceeded to a trunk, from which he took a sack of money (a shot sack) and showed it to parties therein, numbering eight or ten persons - money amounting to \$63.50; put said money back in the trunk, locked it and put the key in his pocket. He then came and sat down at the table and ate supper. After he was through, Jeff Lewis and I sat down and ate. Then all parties went away except Strickland, Lewis, and myself. Said Strickland asked me to cut some wood, which we consented to do, and brought it in and laid it away in store by us. After this we went in and sat down, amusing ourselves with a banjo until 11 p. m. Jeff then left the store. Robert and I sat up awhile. Robert arose, took up a pistol, and after greasing it, put some caps anew upon it, buckling the belt around him, and said that "some one had been trying to break in several nights ago." While Strickland was fixing the pistol I picked up the ax and attempted to knock him in the head, but my conscience checked me and I did not. He was unaware of this fact. I then made my pallet at the foot of the bed and laid down to rest. He then got in bed and dozed off soon. I got up, went out doors to see if any one was around, and finding no one, I reentered the house, picked up the ax and made a second attempt, and my conscience again failed. I returned to the door again to see if any one was around. After this I returned and knocked him on the head with the ax as he lay asleep. Instantly I heard him make a groan. I struck him a second lick with the back of the ax. He struggled and died! I then fell back unconscious of myself for a time. I then went back to the door, stood and looked out; seeing no one, I came back and fastened the

door, lit the lamp, put on my shoes, coat and hat, took Robert's pants from under his head, while the blood ran down on the side of his pillow and bed, took from his pants pocket the key of the trunk, unlocked it, took the money out, which was in a shot bag, went out, locked the door, and took the ax and key and threw them into the bayou, about three hundred yards from the store. I then went to Dave Thomas', where I was staying, and one Anthony Thomas asked me where I had been; and I told him that I had been to Sarah Walker's house, where she had been picking cotton. On the morning of Tuesday, the 26th, I said to Thomas I wanted to make a settlement for board, etc. I told him as I had no money, to take the pistol and the two hundred pounds of cotton I had picked for him as payment. He remarked, "All right. I will do so." I walked then to Eagle Lake, to take the west bound train for Columbus. I came in and hung around town till dinner; went to John Rose's and got dinner; went to bar room and got several drinks; went to Jas. H. Simpson bank changed twenty-five dollars in silver for the same in gold; went to R. E. Stafford's bank and changed twenty dollars in silver for gold; returned to bar room and took several drinks more. At 2 p. m., I started for my mother's at Thompsonville and stayed one hour with her. From there I went to my wife's at Mr. Tanner's place; stayed until four or five o'clock p. m. and returned to Columbus about seven o'clock. I went to Senftenberg's store and purchased \$28.50 worth of goods - namely a valise, overcoat, pair of shoes, pants, vest and hat. I then proceeded to A. Roach's saloon and there he wrote a note for me to Sarah Walker in which I told her I was going to Mexico, would stay three weeks and return for her. I myself carried the note, left it at her mother's and gave the sum of \$4 to her sister Mariah, telling her to notify Sarah to be ready when I came. Idling around until train time, I took that night's train and went to San Antonio, where I was arrested.

In connection with the case, no one knows anything of it but myself. To my poor mother I would say that it is my fault I am condemned to die and have been

brought to such a pass. You are not to blame; you taught me to be kind and mannerly - never to touch what was not mine; but I listened to women and went astray; keeping bad company; letting the words of her I loved - "that I would do anything, if I really loved her, to find money enough to take her to Mexico" - overpower every other feeling at the moment the devil had me alone with the poor boy. I beg all to forgive me. I have made my peace with God, and feel sure of His mercy. I forgive my enemies and now would warn all to think of my sad ending and its cause; to recollect that, when out of man's sight, we are not out of God's. Beware of a weak, tempting woman, who may not think of the power of her words, for by it I was led to take human life, so as to procure what was necessary to please her - goaded on until I killed my conscience and brought myself to death.

James Stanley

X [his mark]

I certify the above to be written exactly in accordance with the confession made to me, the Minister who has been visiting him during the past three weeks. I have been blessed in my efforts to show him the need of the Saviour to blot out his sins, and also been the means of bringing him to make the above confession; believe him to be earnestly sorry for the wicked deed for which he is to die; and to have experienced, by the saving grace of God, a thorough change of heart.

Hamilton McKenna

Pastor, A. M. E. Church, Columbus

I desire, before my departure hence, to acknowledge with all my heart, the grateful feelings I entertain for Mr. J. M. Cummins, senior Deputy Sheriff, who has acted towards me with Christian kindness, courtesy and ever generous consideration, in harmony with his position. I would like him and others to know I was able to feel the charity of his conduct, although I am a condemned murderer.

James Stanley

Per H. McKenna

Capital Punishment

Appendix C

Ed Osborne's Statement

From the *Colorado Citizen*, March 31, 1887

Columbus, Texas, March 28, 1887

Mr. Editor,

I am a prisoner in your county jail, under a conviction of death by a judgement of the District Court at its present term. West Kirby, one of my neighbors, with whom I was not on friendly terms, was assassinated near his own house on the night of the 22d of December, 1886. I was arrested on the same night and placed in prison, where I have been ever since. Much has been said and done to influence the public mind against me, and to prejudice my rights before the courts of my country, and my conviction was but the reflection of public sentiment engendered against me by designing enemies who have been seeking my destruction. Before my trial much of the evidence was greatly misrepresented throughout the country, and even my enemies have gone so far as to report that I have confessed my guilt of the crime of murder, with which I am charged, and, not satisfied with this, since my trial it has been industriously circulated that I was satisfied with the result thereof, and did not wish my attorney to take my case to a higher court by appeal. This communication is to humbly ask that you will publish this, my statement and denial of everything that has been said in reference to my confession of my guilt, and I here now deny that I killed West Kirby, or had any guilty knowledge of his death, and this is but a repetition of what I have said since the first moment of my arrest and confinement, and should it be my doom to die by the conviction under which I am now held, it will be my last words that I am not guilty. I feel that it is my duty as an innocent and a good citizen (which reputation I have always enjoyed) to appeal my case to another and higher court, which is removed from the scene of this bloody tragedy, and free from the exciting causes of my conviction, that my case may be passed upon, both as to the law and

brought to such a pass. You are not to blame; you taught me to be kind and mannerly - never to touch what was not mine; but I listened to women and went astray; keeping bad company; letting the words of her I loved - "that I would do anything, if I really loved her, to find money enough to take her to Mexico" - overpower every other feeling at the moment the devil had me alone with the poor boy. I beg all to forgive me. I have made my peace with God, and feel sure of His mercy. I forgive my enemies and now would warn all to think of my sad ending and its cause; to recollect that, when out of man's sight, we are not out of God's. Beware of a weak, tempting woman, who may not think of the power of her words, for by it I was led to take human life, so as to procure what was necessary to please her - goaded on until I killed my conscience and brought myself to death.

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the facts, by impartial judges, who are free from public opinion. Hoping they will give me a fair and impartial trial, I place my case in their hands, and my future destiny in the hands of my God, who knows that I am an innocent man.

Respectfully,
Ed Osborne

Appendix D

Governor Charles A. Culberson's Commutation
of Dave Dancy's Sentence

From the *Colorado Citizen* of December 15, 1898

The defendant, a negro, is under sentence of death for the murder of his wife, and his counsel asks that the sentence be commuted to imprisonment in the penitentiary for life. The material facts, briefly, are that the defendant and deceased had been married thirty years; had several children, some of them of age and married; and had lived agreeably together until a few years prior to the homicide when defendant became addicted to drink, and treated his wife harshly if not cruelly. The character of defendant prior to this trouble was good, and he was liked by the people of his neighborhood and county. Coming home intoxicated a few days before the killing, he quarreled with his wife, and she left the house, going to the home of a married daughter, where she remained continually, and where she was killed. On the day of the homicide defendant, by previous arrangement, was to go to Columbus with one Amos Ward. When Ward reached the house of defendant, and after talking over the family trouble, he suggested to defendant, who had not seen his wife since she left premises some days before, that they go to see her before going to Columbus. On reaching the house where she was stopping she and others were eating breakfast and defendant and Ward were asked to eat with them. This was declined but defendant sat down at the table by the side of his wife and urged her to return to their home and live with him. She refused, giving as a reason that he had treated her badly, that

she was afraid of him, and stated that she would not live with him. Defendant did not appear angry, and was sober. Deceased then left the room and went outside. In a few moments defendant followed, and soon afterwards deceased was heard to scream, and when the parties in the house reached her she was dead. She had been killed out in the yard with a heavy stick by mashing and crushing her skull in a brutal manner, and defendant was standing over her. His knife, opened, was found near by on the ground. Ward testified that when they were leaving the house of defendant on the way to see the deceased the defendant was about to take his gun with him, but left it at his suggestion, though defendant denied this under oath. Except from the testimony of defendant nothing is known of what passed between him and the deceased after they left the breakfast table. He testified as to this in effect that he endeavored to get her to return home, and she again refused, stating that she had engaged counsel to secure a divorce, and would take the property and minor children. This, according to his testimony, so shocked him that he does not know what occurred afterward, though he supposed that he killed her. It is shown by other and undisputed testimony that deceased had in fact consulted counsel, who advised her that she could obtain a divorce, recover all the property, and have the custody of the minor children.

The gravity and enormity of the crime is manifest, and the sole question is whether the extreme penalty should be inflicted. The members of the board of pardon advisers are divided in opinion, one believing that the sentence of death should be commuted to life imprisonment, and the other that it should be enforced. Commutation of the sentence is voluntarily recommended by counsel who assisted in the prosecution, and Judge [Mumford] Kennon, who tried the case. District Attorney [Samuel L.] Green, upon being asked his opinion, joins in the recommendation, as does Judge [George Millan] McCormick, formerly district judge of that district. The sheriff and many reputable and leading citizens also ask that the sentence be commuted. The ground upon

which the commutation is asked is substantially that stated by Judge Kennon, that there is testimony from which it may be inferred that defendant acted not upon a deliberately formed design, but upon "a rash, inconsiderate impulse" caused by the statement of his wife that she would not again live with him and would institute divorce proceedings. In my judgment one important fact in the case, not referred to specially in the opinion of the court of criminal appeals, lends credence to this view. The testimony introduced by the state shows that, if left to himself, defendant would probably not have gone to the house where his wife was stopping. The witness Ward testified that the arrangement was to go to Columbus, and that he (Ward) suggested the visit to the deceased. The implication from the testimony is that this visit was one of reconciliation. It seems clear, therefore, that the defendant did not suggest the opportunity to commit the murder. It is true that, after the suggestion was made, he may possibly have formed the design to kill, but in view of what has been said, and that on arriving at the house he endeavored to persuade deceased to return to their home, this is not probable, certainly not evident. Whether or not it is the most reasonable theory, it seems to me there are circumstances indicating that the purpose to kill was formed in the yard; that it was the result of sudden impulse, and lacked that malicious and cruel deliberation for which the law demands the death penalty. Upon consideration of this and the recommendations referred to, the death sentence in this case is hereby commuted to imprisonment for life in the state penitentiary, and the sheriff of Colorado county is directed to execute this order.

C. A. Culberson, governor

Appendix E

**The Confession That Henry Holmes Made
To Daniel Thomas on November 16, 1904
From the *Weimar Mercury* of December 3, 1904**

Holmes: "Well, Uncle Dan, I have been praying very hard,

but there seems to be a hindrance somewhere. I don't know what it is unless that I am keeping something concealed that ought to be told. I have great confidence in you and have been wanting to tell you for some time, but each time I see you, something says tell it and another mind says: "No, if you keep it you may get out of it." I have been thinking that something would turn up before the day of my execution that would result in my being taken out of here and not hung. I have been thinking this so strong until every morning up to this day, when Mr. Bridge would bring my breakfast I expected him to open the door of my cell and tell me to come out. But as all these expectations have proven fruitless, I thought I'd just tell the whole truth about it to you alone, and may be it will help me to get straightened with God. Now, Uncle Dan, I don't want you to tell this to anybody until after I'm dead. And there's something else I will tell you that you must keep to your grave. You may tell it to your wife, but to nobody else. Seeing no way out of this thing but through the Governor - and he would not interfere unless someone would write him - I will tell it all to you in the hope of relief. Uncle Dan, I did kill that Mexican, and I am sorry of it.

Thomas: Did you kill the child too?

Holmes: Yes sir, I did, and whiskey was the cause of it all. If I had not been drinking, I would not have done it.

Thomas: Did you kill the other three persons that you were accused of killing?

Holmes: No sir, I did not kill but one man, and I beat that case fair. I have a good old father and mother in Hearne and if I kept the path they taught me, I would not be in this fix. But alas, alas, what a result is bad company.

Thomas: How old are you?

Holmes: I was born on the 21st day of August, 1873. That makes me 31 years old last August. Uncle Dan, I want to tell you something about a colored woman of this town, whose name you must never mention to your most intimate friend - well, yes, you may tell your wife, but to no one else. The woman often comes around here when

the sheriff and his wife are absent and calls me sweetheart and talks so affectionately to me that I can't get her off my mind. There is another one who lives at Columbia by the name of Miss ____ and a Miss ____ of Weimar, who bother me a whole lot, especially this one in Columbus and the one at Columbia, who seems to be in my cell here nearly all the time. If this one in town would quit coming here, I think I could make better speed preparing to meet my God in peace. Sometimes when I see her coming, I get to the back part of my cell, but she will call and call until I have to go talk to her while I might be praying. When she goes off, she tells me to pray, but her advice does no good. Now, Uncle Dan, what is your advice?

Thomas: Son, the good book says if your right eye or right arm offends you, it is better to pluck out or cut off and cast them from you.

Holmes: Well, I hate to do it, but to show you, Uncle Dan, that I mean business, I'll just do it while you are here.

Appendix F

Back in the Days When Justice Prevailed

by James Osborne Walker

James Osborne "Boychee" Walker was in his seventeenth year as sheriff of Colorado County when, on March 3, 1967, he wrote his recollections of the hanging of Ray Jones at the Colorado County farm forty-four years earlier. Sammy Tise of Hallettsville became acquainted with Sheriff Walker while researching his 1989 book, Texas County Sheriffs. Walker gave him a typewritten copy of his recollections and the photograph of the scaffold which are reproduced herein.

The last man to die on the gallows in Colorado County, Texas. Having been an eye witness to this historical event, which took place on March 9th, 1923, I will relate it to you as best that I am able to remember.

At some time back, probably late in the year 1922, Mr. John Wegenhoft, the sheriff of Colorado County,

Texas, received a phone call from the Sheriff of Gonzales County, Texas; I believe that his name was Mr. B. [John William "B."] Neighbors. The Gonzales sheriff told Mr. Wegenhoft to come over to Gonzales at once, that he needed a little help. It was the Model T day. Sheriff Wegenhoft, so I am told by his son Ford Wegenhoft, went on to Gonzales, Texas and contacted Sheriff Neighbors. The Gonzales sheriff told the Colorado County sheriff that he had a negro under arrest for the crime of rape and that he was afraid of mob violence if he kept him there. The accused man's name was Ray Jones. Jones worked for a man there in Gonzales County, and he raped the man's wife. Sheriff Wegenhoft took custody of Jones and brought him back to Columbus, Texas and lodged him in the Colorado County jail for safe keeping.

The case was later transferred to Colorado County for further handling. In the year 1923 at the spring term of court in Colorado County, Ray Jones was indicted on the rape charge. The indictment number is 3349 and listed in volume 4, page 26 in the district clerk's office in Colorado County, Texas. I believe that Mr. Adam Burttshell was now sheriff of Colorado County, Texas, having took oath January 1, 1923. Mr. John Wegenhoft to my recollection was then the chief deputy and he and his family had living quarters in the jail. Ford Wegenhoft, son of Mr. John Wegenhoft, talked to me at times about Ray Jones. Ford told me that Ray Jones was a good prisoner and that if it wasn't for the fact that he was held on the rape charge that they would have made a trusty out of Ray Jones.

Ray Jones was found guilty and the jury assessed the death penalty. The Honorable Lester Holt, judge of the 25th Judicial District of Texas, sentenced Ray Jones to die by hanging, execution date having been set for the 9th day of March, 1923. Ford Wegenhoft told me that his father later talked to Ray Jones and told him that he seemed to be a good man and ask Jones why he did commit the crime. Jones was to have told Mr. John Wegenhoft that he did not know, but that he would say for a white woman, and all

white women to be careful around his race of people and to never expose their person around them, regardless how well they knew them, even if they had raised them from children up. Jones stated that he had done wrong and that he was going to have to pay for it and that he should pay for it.

At the time that this execution was to take place, I was just past eighteen years of age and in my junior year of school. My father was deceased. I, or we, had a Model T Ford. On the morning of the 9th day of March, 1923, I did not go to school. I have forgotten who came along with me, but I cranked that Model T up and came to Columbus, Texas. We lived in Eagle Lake, Texas, few miles southeast of Columbus, Texas. Yes, I missed school that day and the school superintendent got fussed up about it.

I knew Mr. Wegenhoft real well and also Sheriff Burttschell. When I arrived in Columbus and got around the Wegenhofts, I felt at home and I went on up to the second floor where Ray Jones was in his cell. Jones was neatly dressed in a light grey suit of clothes. Jones had just finished eating a dinner of his choice. Jones was walking his cell floor and smoking a cigar. He did not seem to be worried.

At a short time after dinner, Mr. John Wegenhoft came up to the cell where Ray Jones locked up. Mr. Wegenhoft put the handcuffs on Jones and led him downstairs out to his, I guess, Model T Ford. Mr. Wegenhoft drove on out to where the gallows (hanging scaffold) was. That was just across the Colorado River to the east of Columbus, Texas on property known as the county poor farm. They went to the scaffold and walked up the steps; seems like only been a few days ago to me.

In the photograph from the way you are looking, [see back cover] Mr. Wegenhoft is at your near left with his arm on corner upright board. Likewise Sheriff Burttschell is standing to one side of gallows with hand on rail.

The procedure started. There were three colored men on the scaffold with Ray Jones. I thought they were all preachers. I know two of them were. The officers ask Ray Jones if he had anything to say. Jones said yes and

stepped to the scaffold rail. Jones made a nice talk and he directed it to his race of people. I heard him tell them that he was guilty of what he was charged with and convicted for and that he wished that each and all of them would let this be a lesson to them and for them to try to live good clean lives and be good Christians. Then Jones stepped back. The preachers ask him if he would like for them to sing him a song. Jones said yes, tell my mother and he then choked up.

One of the preachers, Dan Thomas, stepped up to him and said and I quote, "Stand up brother. Ain't no use for to weaken now. Stand up and take it like a man." Ray Jones regained control of himself and did stand up. The preachers sang his song for him and the minute was getting nigh. The sheriff, Mr. Adam Burttschell, gave the preachers the nod, and then they started singing, "I will meet you in the land of the new Jerusalem". Then the sheriff took his pocket knife out, opened it and leaned over to the lever, which was tied with a rope. He cut the rope and pulled the lever and Ray Jones dropped through the trap door.

There were quite a few people that witnessed this execution. I did not get closer than some thirty feet to the door of the structure. The door was on the side to your right from which you see the photo. It is hard to see Ray Jones in the photo. Ray Jones is standing on the left side of the scaffold from your vision of it, between Mr. Wegenhoft, your left front and the officer on the other end. Ray Jones should have been holding the bouquet of flowers which you see on the far left. The officer may have had to take them when Jones sort of weakened.

Immediately after Ray Jones went to his death and was as yet hanging by the rope, I am told by Ford Wegenhoft (he was guarding the door), that a lady stepped up to the door and started in to where Jones was hanging. Ford Wegenhoft told the lady to hold up, that she could not go in there. The lady turned around and said, "Oh yes, I think I can.", and she raised the lapel on her coat, exhibiting a badge. Ford said, "Well I guess you can go in." The lady was a U. S. marshal, or a deputy U. S. marshal. Ford

Wegenhoft said that the lady walked on in, stood in there a very short while and made some sort of remark that the job was carried out in appropriate order and then she left.

The body was shortly taken down, placed in a casket and hauled off in a team drawn wagon. In those days every body was hauled to a burial place by horse drawn vehicle.

I am reluctant to say or think about how a case like this would come out in this day in which we live. I do know of cases where the higher courts have put hard criminals feet back out on the public, criminals that have raped and also murdered along with it, due to our modern methods and technicalities. Just what has happened to justice? If you can tell me, I am ready to listen.

Appendix G

The Confession of Bennie Randall

From Colorado County District Clerk Cause File No. 3837

Houston, Texas, February 4th, 1938

I, Bennie Randall, after being duly warned by W. T. Glover, the person to whom this statement is made; First, that I do not have to make any statement at all, second that any statement I make is voluntary on my part and of my own free will and that any statement I make may be used against me on the trial or trials of the case or cases concerning which this statement is made, do hereby make the following voluntary statement:

My name is Bennie Randall. I am 25 years old, am single, and live at New Ulm, Texas. For the past four or five weeks I have been staying on Mr. Hurley's farm, about seven or eight miles from New Ulm, on Route No. 2, in Colorado County, Texas. My work in Colorado County was cutting wood.

On or about the morning of January 21st, 1938, Manuel Garcia, a Mexican boy and myself, both of us working for Mr. Fritz Hinson, went to the woods to cut wood

and we worked until about two P. M., on that date. It was raining some and we quit work at the above time on account of the rain. After leaving work we went to the little house of Mr. Hurley's where Manuel Garcia and I were staying.

We remained at the house until about 6:30 P. M. and Manuel Garcia and I started hunting. That evening Manuel had ask me to go hunting with him that night and I told him that I would if it was not raining. We started out through the woods and some time later arrived at a house about two miles from where we were staying. After we came to the house, Manuel Garcia told me that a widow woman lived there. Manuel Garcia told me that this lady lived alone. At the time we came up to the house, which I later found out that Mrs. Ida Smith lived in. It was something like 7:30 or 8:00 o'clock P. M.

At this time Manuel Garcia ask me if I would like some cake or money and I told him that I worked for my money but Manuel told me that we could go into the house and get some money and that we would divide whatever money we found. Manuel told me to keep watch and he would go in and he tried to get into the house through a window, which he attempted to raise with a stick. After Manuel Garcia raised the window, I told him that if he would watch out that I would go in the house, as he might make too much noise as he was hard of hearing. After the window was raised I went into the house occupied by Mrs. Ida Smith. I found some cake and I handed Manuel Garcia part of the cake, after I had already eaten part of it. Then I went into another room looking for some money and I kindly stumbled over some kind of little rug on the floor. About that time I heard someone strike a match and when the match flamed up I saw that a woman was holding it. The woman I later learned to be Mrs. Ida Smith. Mrs. Smith is a white woman.

When I saw Mrs. Smith, I grabbed her and pushed her back on the bed and she ask me not to hurt her and I told her that I was not going to hurt her. I was holding her by both arms. She was a small woman. While I was holding her down on the bed, I reached down and pulled her

gown up and inserted my male organ into her female organ and had intercourse with her. Before I began the intercourse Mrs. Smith ask me not to do that to her. I did not stop when she ask me not to do that but went ahead and had intercourse with her. I did not have Mrs. Smith's permission to have intercourse with her but forced her to permit it. It took me something like five or ten minutes to complete the intercourse to my satisfaction.

After having intercourse with Mrs. Ida Smith, I left the house through the window that I had entered through and Manuel Garcia and I left and went to our home. I did not tell him about what I had done to Mrs. Ida Smith. This statement has been read to me and I have read it and it is true and correct.

Appendix H

The Confession of Bruce Elton Jordan

From Colorado County District Clerk Cause File No. 3973

Houston, Texas, April 22, 1943

I, Bruce Elton Jordan, after being duly warned by Lieutenant A. C. Thornton, the person to whom this statement is made, FIRST, that I do not have to make any statement at all, SECOND, that any statement that I make must be free and voluntary on my part and may be used as evidence against me on my trial or trials concerning which this statement is given, do hereby make the following voluntary statement.

My name is Bruce Elton Jordan. I am 24 years of age and I was born on the fifth of September 1918. I was born in Mason, Michigan and my parents were Mrs. Lula and Floyd Jordan. My mother and father separated in 1930 and my mother married a Sam Potts and they are now living in Hote, Michigan. I last saw them in 1941, when I made a visit there to see them. I had gone from Knoxville, Tennessee to see them. I do not know where my father is at this time.

I went to the sixth grade in school at Ionia,

Michigan and I can read and write. I came to Houston, Texas in July of 1940 and worked around the farmer's market for Jimmie Kalil and also worked for Ray Heath at Missouri City. Heath ran a service station and I worked for him about three months and lived with him while working for him. While I was working at the farmer's market I lived at the Gulf Hotel on Louisiana Street. I left Houston on November 10th, 1940 and went to Knoxville, Tennessee, where I joined the United States Army and was sent to Fort Bragg, North Carolina. I arrived at Fort Bragg on the 15th of November and was quarantined for a month and served six months and twenty two days in the army. I was made a first class private and the first four months I drew \$21.00 a month and then got raised to \$36.00 per month. I was given army serial number 14028961 and was given a medical discharge on June 15th, 1941. (The discharge had a notation of "Convicted by a Civil Court".) I was discharged from Fort Bragg and went back to Knoxville and went to Hattie Henderson's home on Route 10, Sam Houston Street. I started working at Lane's Drug Store on Cumberland Avenue and worked there about two and a half months and went to visit my mother in Hote, Michigan and came back to Knoxville after being in Hote about three weeks. After getting back in Knoxville, I began to carry a paper route and later went back to work at Lane Drug Store. I left Knoxville about the 8th of September of 1942 and came to Houston, Texas and began to work on the farmer's market for Jimmie Kalil. I worked for him awhile and then began to work for O. P. Murphy on the market and was with him about a month. I became acquainted with Tom Dype while I was working on the market. He was in the produce business. He had a man in business with him named George Gust and I began to work for them about four weeks ago. I made about seventeen or eighteen trips to San Antonio, Texas and the valley with Tom Dype. We would go there and buy produce from the farmers and bring it back here and sell it to store owners.

Before I started working for Tom Dype, I bought a .38 Smith and Wesson pistol from the Uncle Sam's Pawn

Shop on Prairie Avenue. I paid \$15.00 for this pistol. I bought six shells for this pistol at the time I bought this pistol. I carried this pistol with me on the trips that I began to make when I started working for Tom Dye. I carried this pistol in the truck. The truck was a 1937 model Dodge ton and half truck. The truck had a sign on the door about the Austin Mill and Grain Company, Brownwood, Texas.

Last Saturday, April 17, 1943, George Gust and Tom Dye talked about making a trip to San Antonio, Texas to get a load of produce to bring back here to sell. Tom Dye told me to be ready to go at 8 o'clock that night. I was ready to go and met Tom Dye at the time on the market. He did not get there until 9 o'clock and the truck was already on the market and we went to the truck and he started driving. The truck was already filled with gasoline. Tom drove the truck until we got to Katy, Texas and he asked me to drive and I started driving. He layed down in the front seat but did not go to sleep. He started bragging about how much money he had and how much he could win and more than anyone else could get. He told me that he had left his wrist watch at his house. I began to think about the money he had talked about. When we got to Columbus, Texas, he had fallen asleep and I drove on through Columbus and crossed the railroad track a little ways out of Columbus. I judge this to be about five miles from Columbus, Texas. He was laying with his head on a blanket and pillow against my right leg. I had this pistol behind the seat and took the gun out and placed it against the right side of his head. I held the pistol about four inches from his head and fired one shot in his head and he opened the door and jumped out and ran to the side of the road on the right side of the truck. I got out and ran around on the left side of the truck to the rear and shot one time at him as he was at the edge of the pavement. He ran kitty cornered towards the railroad tracks in the direction of Columbus and I shot again at him and he kept on going towards the tracks and I shot the fourth time at him as he was still going towards the tracks and just as he turned and started towards Columbus I shot at him again. He had

started in towards the pavement and I emptied the shells out of the pistol and put in one more shell and fired it at him again as he had taken about six steps towards the pavement. He ran to the middle of the pavement and fell and I put the pistol in my hip pocket and went to him and drug him on over to the left hand side of the pavement and drug him about seventeen feet off the highway into the grass. He had his billfold in his right hand hip pocket and I reached down and took that. He had some one dollar bills and some five dollar bills folded up in his left hand front pocket of his pants. I got this money out of this pocket and after getting this money and billfold I went back as far as Katy, Texas and took the pistol out of my pocket and put it in the glove pocket of the truck. There was an apple and an orange in this glove pocket. I drove the truck on back to Houston and parked it within a half block of the post office near the farmer's market. When I left the truck I left the blanket and pillow in the truck. When I got back in the city limits of Houston, I noticed that the brakes were bad. I left the truck and went to my room in the Gulf Hotel and counted the money that I had gotten off Tom Dype. There was \$732.00. There was two fifty dollar bills and the rest was in fives, tens, twenties, and ones. There was \$500.00 in the billfold. I changed my clothes and took off a pair of army coveralls that I had bought about a week before. While I was at the hotel I noticed that I had blood on my hands and I washed it off. I had decided to leave town and left the hotel and walked to the Bowen bus station and on my way to the bus station I asked a soldier what time it was and he said it was ten minutes until two o'clock. This was last Sunday morning. I went into the bus station and used one of the fifty dollar bills and bought a bus ticket to Knoxville, Tennessee, and gave the bus man the bill and he gave me change from this bill. The ticket cost me \$16.61 and while I was getting the ticket a small man came around and wanted to give me some change for the other fifty dollar bill and I gave it to him for the change. The bus man said the next bus would leave at six thirty and then said that there was one outside waiting and I got on it. I rode that

bus to Texarkana and changed over to a Greyhound bus and rode on into Knoxville, Tennessee. I got in Knoxville last Monday night at midnight and went out to Earl Bourff house in a taxi cab. Earl lives at 605 Baldwin Street. I stayed there all night and came back to Knoxville the next morning and went to see about buying a motorcycle and I was out on Ben Hur Drive and I was arrested.

Tuesday morning as I was on my way back to Knoxville I got rid of Tom Dype's billfold. I was on the Chapman highway and left it about thirty feet from a water ditch that crosses the main highway. I have told Lieutenant Thornton and other officers where I left this billfold. At the time I was arrested I had \$617.23 on me and I spent some money on the way to Knoxville on slot machines and eats and things like that.

I left the pistol in the glove pocket of this truck when I got out of it here in Houston. I am not clear on what I did with the shells out of this pistol when I emptied it out near Columbus, Texas but I could have put them in my coveralls pocket.

I began to think about this money when Dype began to brag about how much money he had and it was after he went to sleep that I began to plan on getting his money. I first thought about hitting him in the head with the pistol and then decided that I would not have any room and then I decided to shoot him and that was when I reached back of the seat and got the pistol and shot him in the head.

I can read and write and have read this statement and it is true and correct to the best of my knowledge.

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