

DON'T STEAL TURKEYS!

On December 31st, 1857, James HC Rodgers killed a man by the name of John Luke outside the William H. Wells farm house in Miller Township just northwest of the city of Memphis, Missouri. James HC stomped Luke to death and cursed him over and over and stated that he didn't care if he "lived another hour." The first degree murder indictment does not go on to state any motive, but fortunately, there are several court documents and preliminary trial dispositions discussing this. Three stories were also passed down through different branches of our family, that confirmed the killing, but for several incorrect reasons. Very interesting how the story got altered as it was passed down through the generations over 150 years!

I do not know where these stories originated or even who passed them down, but the conversation always revolved around an ancestor killing a man outside a bar. Until I found James HC's indictment, I did not believe much of it. The first was that killing occurred as a result of a man cheating at cards, the second as the result of the theft of a horse, and the third—a killing over a woman. None of these were correct, except for the fact that James HC had killed a man.

In actuality, James HC went to a "shooting match" at Jerry Talbot's farm northwest of Memphis in Miller Township on the afternoon of December 31st, 1857. This shooting match seemed to revolve around who could shoot and kill turkeys at a certain distance in the least number of shots. There was a lot of alcohol being consumed and money being bet on the outcomes of certain shooters (see all James HC murder depositions). James HC participated in both.

James HC had shot and killed a turkey in only one shot and, apparently, this prize for that was getting to keep the turkey. He had already won some money on others and

took his turkey and put it in a “bucket” He then proceeded to consume more alcohol and had a fight with another man, Peter Cline, who hadn’t paid him some money from a bet.

James HC then decided he was going to leave for the night and went to collect the turkey he had killed earlier. The turkey was missing and James HC went into a rage and wanted to know who had taken it. He got a couple of people to tell him John Luke had just left with a turkey in William Wells’ wagon and James HC got on his horse with his sister’s brother in law, William Ray and went in pursuit. He over took Sterling Wells and John Snodgrass who were riding in another wagon. They said that a man named John Luke had passed them in a wagon and was headed to Wells’ place. When James HC got to the Wells’ place he saw his turkey lying on the ground in a bucket and knocked on the door to get Luke to come out. William Wells saw that James HC was very angry and very drunk and told him he didn’t want any “fuss” at his place after James HC told William Wells that he was going to “stamp (Luke’s) damned liver out.”¹ John Luke would then come to the door and James HC proceeded to grab him by the collar. James HC pulled Luke outside the house, pushed him to the ground, and proceeded to stomp his head several times with his boot. The men at the Wells farm left John Luke on the ground outside the house and even went inside for a while to have dinner, not thinking Luke was that badly hurt, just drunk (See all murder depositions.)

After the men ate, James HC, William Ray, and William Wells went outside and put John Luke into William Wells’ wagon. It was at this time that William Wells pronounced he thought that Luke was pretty badly hurt.¹ They apparently took Luke to his home and both James HC and William Ray thought he was going to be fine, as James

¹ [James HC Rodgers Preliminary Trial Testimony: William Wells pg1](#)

HC stated in his deposition that William said, “I would insure his life for a peck of bran.”²

In a remarkable statement James HC then said he and William took the turkey to James HC’s mother’s place.² Apparently this means that James HC’s mother, Elizabeth Wilkerson Rodgers who would have been about 63 years old was living somewhere close to him. Unfortunately, as of this writing I have been unable to conclusively track her down. After getting something to drink at his mother’s house, James HC and William Ray went to “frolic at Mr. Baxter’s place,” and that there “was no trouble,” according to James HC’s testimony at his trial. He continued on to say that after the “frolic” at Mr. Baxter’s he returned to his mother’s and helped her eat the Turkey on New Year’s Day, 1858.² After returning to “his business” for a day he then again went back to his mother’s. At this time John Kestler Ray³ (James HC’s sister Sallie Ann’s husband) and John’s brother William rode up into the yard at about 11:00 o’clock and told James HC that John Luke had died. James HC then stated that “(he) didn’t suppose there was a man (who) would have had his feelings for a thousand dollars.” James HC told his brother-in-law John Ray that he thought maybe he should give himself up, but then thought maybe he should run away. He asked John Ray to go get some clothes for him and that he would meet him later after James HC got some money he was owed.⁴ If one can read the tone of his deposition, he was clearly very sorry for what had happened and was becoming very emotional in his relating of the story.

James HC goes on to say in his deposition that while his was riding he started to think about his children and his life and decided that he would not run, that it was better

² [James HC Rodgers Preliminary Trial Testimony: James HC Rodgers pg. 18](#)

³ [John Kestler Ray Photo #2](#)

⁴ [James HC Rodgers Preliminary Trial Testimony: James HC Rodgers pg. 19](#)

for them if he stayed. James HC met up with John Ray at the grocery where they spoke about the situation and John Ray also advised James HC not to run. James HC told John Ray that he was very fearful of going to jail. John Ray said, “as long as I have a dime you shant (sic) go (to jail), Jim.” James HC said they all were crying and they went back inside the grocery. James HC then admitted he got very drunk as the Constable and Sheriff were coming for him. He stated he had very little memory of anything after that until he was in town.⁴ James HC was in jail for three days and then on bail of three thousand dollars from John Kestler Ray and William Ray, he was released pending trial the following spring.⁵ According to the doctors who examined Luke’s body after his death, blunt force trauma and the large quantity of alcohol in Luke’s system was the cause of death.⁶

The fact that James HC ‘s brother in law John Kestler Ray and John’s brother William would bail James HC out of jail on a three-thousand dollar bond was one of the very first things I ever discovered in writing about James HC Rodgers, incidentally. This portion of the story was reproduced in a book called History of Lewis, Clark, Knox and Scotland Counties, Missouri which was in the possession of my Great Aunt Dorothy McCarty, and I first saw it in the early 1990’s.

James HC Rodgers’ attorney during this period of time was a lawyer by the name of Richardson. Mr. Richardson asked for a continuance in the spring of 1858 for reasons that are not entirely clear, but then asked the court to move the trial to Putnam County because he was appointed the new Judge of Scotland County and he now had a conflict of interest. The move to Putnam County, which is to the west of Scotland County, was

⁵ [The History of Lewis, Clark, Knox, and Scotland Counties, Missouri](#)

⁶ [James HC Rodgers Preliminary Trial Testimony: Dr.’s Patterson and Saunders pg. 11-12](#)

granted with a trial being scheduled for June of 1858.⁷ However, the district attorney of Putnam County, W. F. Griffin, after reviewing the case stated that the grand jury was not empowered to indict James HC and seemed to state that this was a justifiable homicide.⁸ The charges were dropped in 1859 and James HC Rodgers was a free man. What a very difficult time it must have been for James HC! He was recently divorced, was charged with murder, and was about to get married again.

⁷ [James HC Rodgers Change of Venue #1](#)

⁸ [James HC Rodgers Murder Indictment Dismissal](#)