

Noted Tragedies – Killing of Peter Evans by Dr. Keene, and Killing of Dr. Keene by Dr. Austin

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In December, 1869, Dr. Thos. H. Keene, a practicing physician of Hallsville, shot and killed one Peter Evans. The affair was the culmination of a bitter feud between the parties, and there were two opinions as to the justification of the killing. The cause and origin of the trouble need not be stated in this history. Evans was killed in Hallsville. Dr. Keene was arrested and tried on preliminary examination before Justices R. J. Smith and Lewis G. Berry, the trial lasting eight days, when he was held to bail in the sum of \$8,000, for his appearance, at the March 1870 term of the circuit court.

At that term, and on an indictment for murder in the first degree, Dr. Keene was found guilty of a lesser offence and sentenced to sixteen years' imprisonment in the penitentiary. His counsel appealed his case to the district court and he was released on \$15,000 bail. While the case was pending in the district court, the court was abolished by an amendment to the constitution adopted by a vote of the people.

Failing to get his case into the supreme court, after the abolition of the district court, Keene was arrested on a warrant issued by the Boone circuit court on Wednesday, February 21, 1872, and after the verdict of the jury was confirmed, he was sent to the penitentiary on Wednesday, February 28, 1872. At the July 1872 term of the supreme court, his case was remanded to the Boone circuit court for a trial de novo, and on Monday, August 19, 1872 Keene was taken out of the penitentiary, and admitted to bail in the sum of \$6,000, to appear at the next succeeding term of the circuit court. After a series of continuances, at 1874 February term, a change of venue was granted to Pike County, where, in September, 1875, he was tried and acquitted.

On August 29, 1876, Dr. Keene was shot and killed by Dr. Benjamin Austin, in front of his (Dr. K's) stable, in Hallsville, and near where he had killed Peter Evans seven years before. For some time previously the personal and professional relations of Drs. Keene and Austin had been of a very unfriendly character, to an extent that precluded all personal intercourse between them. A few days before the tragedy there was received at Hallsville, through the mails, and at other places in the county, an anonymous publication, in circular letter form, very scandalous in its character, and very defamatory and abusive of Dr. Austin, both as a citizen and physician. No name was attached to the circular, though it was scarcely doubted that Dr. Keene was not only the author of it, but that he had it printed – where, it is not known.

This publication was thought to have been the immediate cause of the fatal encounter. The killing was done by Dr. Austin with a double-barreled shot gun, about fifteen buckshot taking effect in Keene's face and head and killing him instantly. After the death of Keene, a young man by the name of Baker Batterton, a son of Mr. Samuel Batterton; and who was living with Keene, came out of the stable, ran to where Keene was lying, got his pistol, and commenced firing at Austin and at Mr. J. O. Pierce, a son-in-law of Mr. R. P. Waters, and a clerk in Jones's store. Neither shot took effect. The firing having ceased and the train for Columbia being about due, Dr. Austin left for Hickman station, about a half mile distant, got on the train, came to Columbia, and surrendered himself to the officers of the law.

He underwent a preliminary examination before Esq. T. B. Gentry, and was by that magistrate discharged. Esq. Gentry said: "I find the case to be one of justifiable homicide. The dangerous

and desperate character of the deceased, as proven, his known habit of going armed, his threats to take the life of Austin, his declaring that he would kill him even if he had to do it in ambush; and these things all being known to Austin – the threats having been communicated to him – living in the same neighborhood and liable to meet Austin at any time, I think gave him reasonable cause to apprehend a design on the part of Keene to do him some great bodily harm; and gave him reasonable cause to apprehend immediate and constant danger of such design being accomplished. The killing under such circumstances, even though Austin sought and advanced upon Keene, was done in the lawful defense of Austin's person.”

Dr. Keene was a man of remarkable person, and experienced an eventful and remarkable career. With prominent features, a nose very long and quite thin, and thick, sandy-colored beard, that floated from his face and chin like a banner, he attracted attention wherever seen. He was born in Boone county in 1831. He was a man of uncontrollable feelings and prejudices; had many implacable enemies and strong friends, and was often involved in serious criminations and troubles. Dr. Benj. Austin has lived in Boone since 1860, having come to this county from Bath County, Kentucky, where he was born.