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## Anti-Catholic Prejudice in Early New England: The Daley-Halligan Murder Trial.

James M. Camposo

In April of 1806 two Irish Catholic immigrants, Dominic Daley and James Halligan, were tried in the town of Northampton, for the murder of Marcus Lyon. The trial represented more than just the administration of justice in the early years of the nineteenth century. Religious prejudice, inadequate recognition of the rights of the defendant, the injection of political ambitions into the court room, and the question of capital punishment were the outstanding facets of the trial of Daley and Halligan.

Despite the guarantee of religious freedom in the Massachusetts Constitution and the first amendment to the United States Constitution, many Massachusetts Protestants were suspicious of Catholics. Although there were theological differences between the different Protestant sects, they were united in their hatred of Catholicism and its adherents. <sup>1</sup>

Father Jean Lefebvre De Cheverus, who served the 1,200 widely scattered Catholics of New England, described the problem: "The Catholic Church in New England is the object of execration," he said, "the name of a priest is held in horror." <sup>2</sup> During the 19th century, a number of anti-Catholic pamphlets were published in America; one, published in Boston in May of 1800 declared:

"The Pope is a Man of Sin,  
 Come on, Brave Youths drag the Pope,  
 Let's see his frightful phiz,  
 Let's view his features tough and fierce,  
 That map of ugliness,  
 Distorted joints so huge and broad,  
 So horribly dressed up,  
 T'would puzzle Newton's self  
 to tell the Devil from the Pope." 3

In 1801 the Massachusetts Supreme Judicial Court cast itself in the role of defender of the State against the evils of Catholicism. Judge Theophilus Bradbury announced; "Catholics are only tolerated here, and so long as their ministers behave well, we shall not disturb them. But let them expect no more than that." 4 In Barnes vs. the First Parish, the State Supreme Court ruled that a Catholic could only hold public office if he renounced obedience to the Pope and agreed that the Constitution did not provide support for any public teaching of Catholicism. 5

Even Samuel Adams, a leading patriot during the American Revolution and one of the framers of the Massachusetts State Constitution, wrote in the *Boston Gazette*.

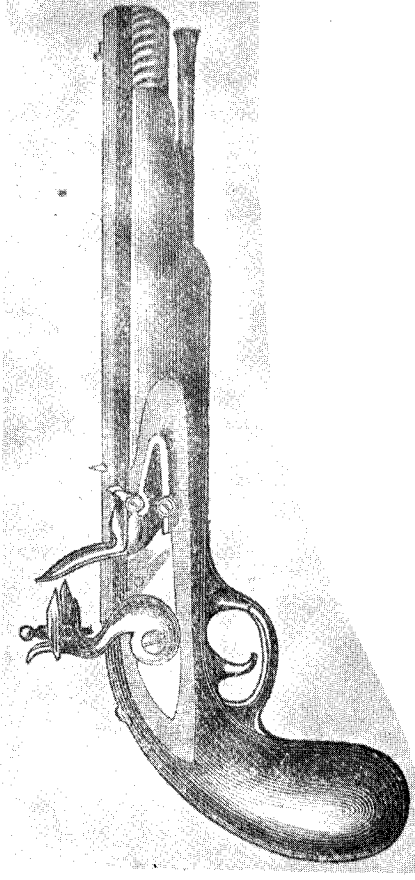
"I have been long apprehensive that what we have above everything else to fear is Popery. As you value your precious civil liberty and everything you can call dear to you be on your guard against Popery." 6

Such were the feelings towards Catholicism in Massachusetts during the early 1800's.

On Saturday, November 9, 1805, John Bliss of Wilbraham discovered in his pasture a saddled, but riderless horse. Bliss thought that the horse belonged to a local doctor who often left him untied while he called on his patients, and the horse sometimes strayed. Bliss tied the horse to a tree along the section of the Boston to New York Post Turnpike that ran in front of the Bliss property. 7 By the following day no one had claimed the animal, so Bliss informed his neighbors of his find. They suspected that the horse was stolen and that the thief had abandoned it. In the hope of identifying the owner, they decided to open the saddle-bags. They found a few letters and proceeded to open one, dated November 4, 1805. The letter identified the owner of the horse as Marcus Lyon, a farmer from Woodstock, Connecticut. 8

Bliss and his neighbors formed a search party to look for Marcus Lyon. On Sunday evening, November 10, between eight and nine o'clock the searchers found a broken pistol covered with blood along the bank of the Chicopee River, which ran parallel to the Post Turnpike. The searchers

continued to comb the river bank, and within five yards of where the gun was discovered, a man's body was found, "lying face down, in the depth of the river, with but a few inches more than sufficient to cover it." From the appearance of the surrounding shrubbery, the searchers concluded that the body had been dragged from the turnpike into the Chicopee River. 9



From the *Pictorial Field Book of the War of 1812*, by Benson J. Lossing (New York, 1869).

The body was removed from the river and brought to the stage house of Ara Calkins. There the corpse was examined by the coroner, who declared that "The upper part of the head, over the left eye was indented, the back part of the head was smashed to a pulp, and a pistol ball was lodged in his ribs." 10

The *Hampshire Gazette* reported that the murder victim was Marcus Lyon, a native of Woodstock, Connecticut, unmarried and only twenty-three years old. The paper characterized Lyon as "a young man of peculiar respectability." 11 At the time of his death in Wilbraham, Lyon was in the process of returning to his home in Woodstock, for during the summer of 1805 he had been employed as a farm worker in New York. The remains of Lyon were transported to his next of kin. 12

On November 10, 1805, citizens from Hampshire County convened in Northampton to conduct a Jury of Inquest into the murder of Marcus Lyon. The most important testimony was given by Laertes Fuller, a thirteen year old boy who lived about a quarter of a mile from the location where Lyon's body had been discovered. The youth testified that while picking apples on November 9th, he saw two men dressed in sailor outfits leading a horse onto the turnpike from the area where the body was found. The two men, the boy stated, left the turnpike and went onto the side road that led to the Bliss'

pasture. One of the men then mounted the horse and rode off, while the other leaned against a stone wall. Fuller said that he continued to pick apples and after about fifteen minutes the individual who had ridden off returned without the horse. The two men then started out towards New York on the Post Turnpike.<sup>13</sup>

After the hearing ended, Major General Ebenezer Mattoon, Sheriff of Hampshire County, organized a posse to search for the murderers of Marcus Lyon. On the morning of November 11th the posse left Northampton.<sup>14</sup> The Governor of Massachusetts, Caleb Strong, a Northampton resident, offered a five hundred dollar reward for the capture of Lyon's murderers.<sup>15</sup>



Governor Caleb Strong, from *Early Northampton*, by Betty Allen Chapter of the D.A.R. (Northampton, 1914).

In Springfield, a man reported to the posse that he had seen two men fitting the description of the suspects crossing the Connecticut River on Sunday November 10th. The two men were spotted again the next day, this time at Picket's Tavern in Windsor, Connecticut.<sup>16</sup> On Tuesday, November 12, Josiah Bardwell, a member of the posse, apprehended the two suspects at the Cross Landing Tavern in Rye, New York. They both insisted they were innocent, and explained "that they were traveling to New York City for the purpose of collecting a sum of money owed them."<sup>17</sup>

The two murder suspects were placed in chains and immediately returned to Springfield. They were identified as Dominic Daley and James Halligan, both Irish Catholic immigrants.<sup>18</sup> Daley was thirty-four years old and had come from Ireland in 1803. His home at the time of his arrest was South Boston, where he lived with his wife and infant son. Halligan had arrived from Ireland only six months before his arrest. He was seven years younger than Daley, unmarried, and also had been living in South Boston before leaving on the ill-fated trip to New York.<sup>19</sup>

Laertes Fuller was brought to Springfield to identify Daley and Halligan as the men he had seen with Lyon's horse. In a lineup, the boy picked out Daley as the man he had seen leaning against the stone wall. However, Daley and Halligan were the only two persons in the lineup in chains.<sup>20</sup> They were placed in the County jail in Northampton, to await trial before the Massachusetts Supreme Judicial Court.<sup>21</sup>

An editorial in the *Hampshire Federalist* on January 7, 1806, described the over-reaction of the citizens to the murder of Marcus Lyon: "That the minds of the good people should be shocked with the late murder of Marcus Lyon on the high road is perfectly natural and would be right to a certain extent. But the panic excited by this event goes to an extreme. It magnifies every assault to a manslaughter — every sudden or accidental death to a bloody assassination."<sup>22</sup>

With the 1806 Massachusetts gubernatorial election in sight, the murder of Lyon and the trial of Daley and Halligan had considerable political significance in Western Massachusetts. Governor Strong, who was seeking re-election, had offered a reward for the apprehension of the suspects.<sup>23</sup> The State's Attorney General, James Sullivan, Strong's political rival, was to prosecute the case. In the gubernatorial election of 1805, Governor Strong, a Federalist, narrowly defeated Sullivan, the Democratic-Republican candidate.<sup>24</sup> The handling of the trial of Daley and Halligan was certain to have some effect on the upcoming election.

The Massachusetts Supreme Judicial Court convened in Northampton during April of 1806 to preside over the trial of Daley and Halligan. In

accordance with the legal practice of the time, two Justices of the Court served on the bench to hear capital cases. The judges were Samuel Sewall of Boston and Theodore Sedgwick of Stockbridge.<sup>25</sup>

Judge Sewall, the senior justice, had served in Congress until 1800, at which time he was appointed associate justice of the Massachusetts Supreme Court. He was a direct descendant and namesake of Judge Samuel Sewall of the Salem witchcraft trials. Justice Sedgwick, was Speaker of the Massachusetts House of Representatives before his appointment to the Supreme Court in 1802.<sup>26</sup>

On Tuesday, April 22, 1806, Daley and Halligan appeared before the judges and were asked how they pleaded to the murder of Marcus Lyon. The defendants answered: "Not guilty your honor."<sup>27</sup> The two Irishmen were then asked if they wished to have counsel assigned to them. Both prisoners replied affirmatively. Thomas Gould, a member of the Massachusetts bar for one and a half years, and Edward Upham, a member of the bar for seven years, were appointed by the Court as Daley's defense counsel. Halligan's court-assigned lawyers were Jabez Upham, a bar member for eleven years, and Francis Blake, a member of the bar for nine years.<sup>28</sup> Daley and Halligan were ordered to reappear before the Court two days later to stand trial for the murder of Marcus Lyon.<sup>29</sup>

The case was prosecuted by Attorney General James Sullivan with assistance from special prosecutor John Hooker. Sullivan, a "speaker of great eloquence," had received his legal training from his father, a noted Boston lawyer. Before Sullivan became Attorney General in 1790, he had served on the Massachusetts Supreme Court from 1780 to 1788. He resigned from the Court because he felt the \$300 annual salary was inadequate.<sup>30</sup>

The trial of Daley and Halligan began at nine in the morning on April 24. It was held in the Northampton Town Meetinghouse. Addressing the twelve man jury, Sullivan made the opening statement for the prosecution. In the process he described the specific charges — "that Daley gave the blows with the pistol and that Halligan encouraged him," "that both prisoners gave the blows and inflicted the mortal wound of which Lyon instantly died from," and "that Daley and Halligan threw the body into the river."<sup>31</sup>

The Attorney General next attempted to prove the guilt of the two Irishmen by describing the faster pace they made walking from Wilbraham, the scene of the murder, to Rye, New York, than from Boston to Wilbraham. Sullivan noted that "Daley and Halligan were five days in coming to Wilbraham from Boston, a distance of eighty miles, but they took only two days in going to Rye, New York from Wilbraham, a distance of a hundred and thirty miles!"<sup>32</sup> Rather significantly, the *Hampshire Federalist* noted

that the two men did not try to escape their pursuers, as "the two men followed the same course of travel."<sup>33</sup>

After Sullivan had finished speaking, Special Prosecutor John Hooker began to call witnesses on behalf of the Commonwealth. In all, twenty-four witnesses testified for the prosecution.<sup>34</sup> The most important testimony came from Laertes Fuller. When the boy was called to take the stand, the counsel for the defense objected, insisting that since Fuller was only thirteen years old, he was not competent to testify. Judge Sedgwick overruled their objection.<sup>35</sup>

Hooker asked the youth to describe what he had seen on November 9, 1805. Fuller stated under oath; "At about one o'clock I saw two men on the turnpike going west. They past on and left my sight. In a few minutes I went upon the same road and saw them coming back one leading and the other driving a horse. They then turned on to the old road. I followed them. When they were at the top of the hill one of them jumped on the horse and rode him off. I went to get some apples under a tree. This man (pointing to Daley) came up to the stone wall, leaned on it and looked at me. In about fifteen minutes the other returned on foot and the two men then again started going west on the turnpike."<sup>36</sup> Under questioning, he testified that Daley had a bundle in a blue handkerchief, presumably the murder weapon. In addition he testified that Daley was leading Lyon's horse.<sup>37</sup> When Fuller was cross-examined by Daley's attorney, Francis Blake, he admitted that he did not hear the discharge of a gun and that he could not identify Halligan as being one of the two men he had seen on the day in question.<sup>38</sup>

After the prosecution had finished examining their witnesses, Hooker made the closing statement for the Commonwealth: "As the evidence now stands," he said to the jurors, "if you are prepared to say that the prisoners killed the deceased they are guilty of the crime with which they are charged or, that either of them inflicted the blows, or immersed the body, by reason of which Lyon died and that the other was present aiding, abetting, or encouraging, they are both murderers in the view of the law and you are bound by your oath to pronounce them guilty."<sup>39</sup> Next it was the defense counsel's turn to introduce testimony. No witnesses were called to take the stand on behalf of the defendants, however, their lawyers clearly had no opportunity to prepare a defense, since they were only appointed two days before the trial began. They had no chance even to visit the murder site. In 1806, a trip from Northampton to Wilbraham and back would have taken longer than the elapsed time between their appointment by the court and the beginning of the trial. Also, in 1806 and for a period of sixty years thereafter, it was not permitted in Massachusetts for a defendant in a criminal case to take the witness stand in his own defense.<sup>40</sup>

There being no defense testimony, Attorney Blake made the closing statement for the defendants. He declared: "I appear as an advocate for the life of a fellow creature."<sup>41</sup> Blake went on to deal with the subject of prejudice against the Irish. He told of "the inveterate hostility against the people of that wretched country, from which the prisoners have emigrated, for which the people of New England are peculiarly distinguished. Pronounce then a verdict against them — tell them that the name of an Irishman is, among us, but another name for a robber or an assassin: that every man's hand is lifted against him, that when a crime of unexampled atrocity is perpetrated among us, we look around for an Irishman: that because he is an outlaw, with him the benevolent maxim of our law is reversed, and then the moment he is accused, he is presumed to be guilty, until his innocence appears!"<sup>42</sup>

Following Blake's statement, Attorney Gould, the principal counsel for Daley, was to have closed the defense. However, he stated; "The evening having far elapsed and the prisoners signifying their assent, I decline to address the jury."<sup>43</sup> Thus, the entire defense consisted of a closing statement which said nothing about the evidence in the case.

Stressing the testimony of Laertes Fuller, Judge Sedgwick delivered the charge to the jury: "Your verdict must depend upon the testimony of Laertes Fuller. If you believe this witness, Gentlemen, you must return a verdict of conviction, because it is proved to you that Lyon was murdered, that the prisoners were on the same road, in possession of his property almost upon the very spot where the body was found, you can hardly have a reasonable doubt but they are guilty of the crime of which they are accused."<sup>44</sup>

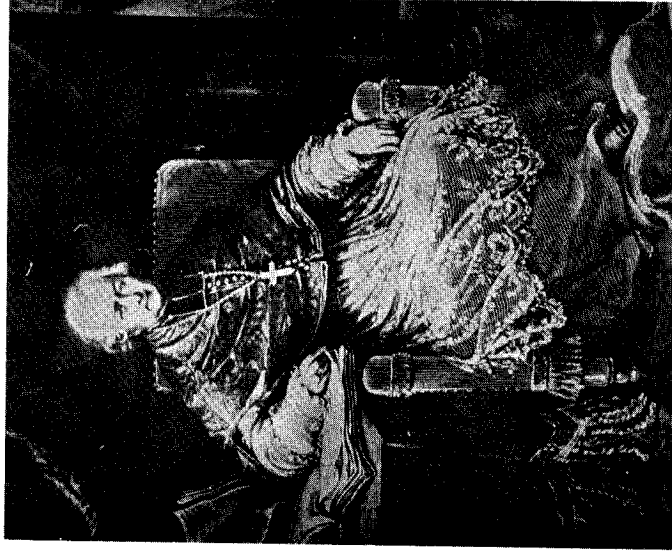
After the charge was given, the jury went out to deliberate; it was now ten in the evening. Within an hour, the jury returned to the court room with its finding. Thomas Dwight, the foreman, read the verdict: "We the jury, being fully agreed find Dominic Daley and James Halligan guilty of the murder of the foresaid in the indictment."<sup>45</sup> Daley and Halligan were ordered to return the following day to be sentenced. The trial was over; it had lasted from nine in the morning to a little after eleven at night.<sup>46</sup>

On Friday, April 25, 1806, the two convicted murderers appeared before the Court to be sentenced. Attorney General Sullivan moved that the sentence of death be pronounced against the two Irishmen. Judge Sedgwick delivered the sentence: "I have the painful task to inform you," he said, "that for the murder of Marcus Lyon, according to the laws of our land, you must die. You are to return to prison, there to remain till the time appointed; thence to be conducted to the place of execution. There to be hung by the neck until you are dead, and that your bodies be dissected and anatomized.

May God Almighty Have Mercy On Your Souls!"<sup>47</sup> The date of execution was set for June 5, 1806.

The *Hampshire Federalist* reported the scene inside the courtroom. "Daley seemed to be in some degree agitated and immediately after sentence was pronounced fell upon his knees, apparently in prayer, but Halligan, who previous to the trial was by many supposed much the least criminal, exhibited stronger marks of total insensibility or obstinate and hardened wickedness than is often witnessed."<sup>48</sup>

While awaiting their day of execution the two Irishmen requested to see a priest. However, at the time there was no clergyman living in or near Northampton, so the prisoners sent a letter to Father Cheverus, their spiritual leader back in Boston. The letter read: "We are not guilty of the crime imputed to us, but we have committed other sins, and to expiate them, we accept death with resignation. Please do not refuse us this favor, we are solicitous only about our salvation. It is in your hands, come to our assistance."<sup>49</sup>



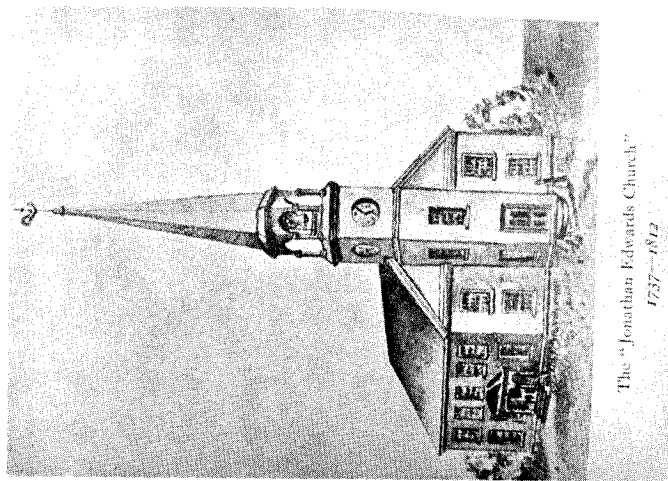
Father John Cheverus, from *History of the Catholic Church in the New England States*, Volume I, by William Byrne (Boston, 1899).

Father Cheverus arrived in Northampton during the last week of May, 1806. Hatred of Catholics was so strong in town that only with great difficulty was the Priest able to find lodging. Asahel Pomeroy refused to allow Father Cheverus to stay at his inn, for his wife believed that she would be unable to sleep if a "Popist priest" slept under the same roof.<sup>50</sup> As a result, Father Cheverus was forced to seek shelter in the town's prison. Finally Joseph Clarke accepted the Priest into his home. The critics of this charitable act felt themselves completely vindicated when within a few years, Clarke's wife died and his house was struck by lightning.<sup>51</sup> The critics interpreted Clarke's misfortunes "as wrath of a vengeful God."<sup>52</sup>

Although the population of Northampton was only about 2,500 in 1806,<sup>53</sup> 15,000 persons assembled in the town on June 5, 1806 to view the hanging of Daley and Halligan.<sup>54</sup> On that morning, Father Cheverus joined Daley and Halligan at the jail to hear their last confession and to grant them the Sacrament of Communion. The first Catholic mass celebrated in Northampton came from within the walls of the town's prison.<sup>55</sup> At ten a.m., the two prisoners were led from the jail to the "Old Church." It was the custom in 1806 to allow condemned men the unusual privilege of hearing their own funeral discourse.<sup>56</sup> The pastor of the "Old Church," Reverend Solomon Williams, had arranged to give the special service, but Father Cheverus protested. The Priest probably recalled the words Daley and Halligan had written in their second letter to him; "Do not reduce us to the necessity of listening, just before we die, to the voice of one who is not a Catholic."<sup>57</sup> Father Cheverus stated to Reverend Williams: "The will of the dying is sacred, they have desired to have no one but myself and I alone will speak."<sup>58</sup>

Father Cheverus based his sermon on a statement in the Gospel according to John: "Whosoever hates his brother is a murderer."<sup>59</sup> The Priest directed some of his words towards the many women who were waiting to see the double hanging. "Orators are usually flattered by having a numerous audience, but I am ashamed of the one now before me. Are there men to whom death of their fellow beings is a spectacle of pleasure, an object of curiosity? But especially you women, what has induced you to come to this place? Is it to wipe away the cold damps of death? Is it to experience the painful emotions which this scene ought to inspire in every feeling heart? No, it is to behold the prisoners' anguish, to look upon it with tearless, eager and longing eyes. I blush for you. Your eyes are full of murder!"<sup>60</sup> It was reported that every woman in the congregation left during the sermon.<sup>61</sup>

At three in the afternoon, "with the Northampton Militia leading the way and a band playing the Death March," Daley and Halligan were taken to Gallow Plains.<sup>62</sup> Today the main entrance of the Northampton State Hospital is located where the gallows stood.<sup>63</sup> When the prisoners arrived at



The "Jonathan Edwards Church"  
1737-1812

From *Early Northampton* (Northampton, 1914).

the gallows, Daley faced the assembled crowd and read aloud the following statement: "At this awful moment of appearing before the tribunal of the Almighty, and knowing that telling a falsehood would be eternal perdition to our souls, we solemnly declare we are innocent of the crime for which we suffer. We blame no one, we forgive everyone, we submit to our fate as being the will of the Almighty and beg of Him to be merciful to us. Our sincere thanks to Father Cheverus for his long and kind attention to us."<sup>64</sup>

When Daley had finished he handed the letter to Sheriff Mattoon. The Sheriff then placed a noose around the neck of each of the convicted men and with a hatchet cut the ropes, "which let the prisoners down."<sup>65</sup>

After the execution, many people asked Father Cheverus to tell whether the two Irishmen had confessed to the murder. The Priest refused, insisting that "the doctrine of the Church respecting Confession and the inviolable secrecy imposed upon the confessor, cannot be broken even to save a kingdom."<sup>66</sup> Father Cheverus returned to Boston to continue his parish duties. In 1823, he was called to Rome by the Pope, and confirmed as Cardinal of Bordeaux (France).<sup>67</sup>

Judging from the result of the 1806 gubernatorial election, the trial of Daley and Halligan benefitted Attorney General Sullivan, who unseated Governor Strong.<sup>68</sup>

At the turn of the last century James R. Trumbull, a historian of the Connecticut Valley, stated: "Years afterward, on his deathbed, the real murderer of Marcus Lyon acknowledged his guilt, too late for the innocent lads, who were executed for the crime."<sup>69</sup> Although the statement is undocumented, it is generally believed that the deathbed confessor was the uncle of Laertes Fuller, the 13 year old witness at the trial.<sup>70</sup>

#### NOTES

1. John Tracy Ellis, *American Catholicism* (Chicago, 1956), p. 17.
2. J. Huen-Dubourg, *The Life of Cardinal Cheverus* (Boston, 1939), p. 31.
3. Ellis, *American Catholicism*, p. 22.
4. *Massachusetts Law Quarterly* (September, 1964), p. 213.
5. *Ibid.* p. 213.
6. *Ibid.* p. 30.
7. *A Brief Account of the Trial and Execution of Dominic Daley and James Halligan* (Northampton, 1806), p. 2. This is located in the Kingsley Room of the Forbes Library.
8. *Ibid.* p. 4.
9. *Hampshire Gazette*, November 13, 1805, p. 1, col. 4.
10. *A Brief Account*, p. 5.
11. *Hampshire Gazette*, November 13, 1805, p. 1, col. 4.
12. *Ibid.* November 13, 1805, p. 1, col. 5.
13. *A Brief Account*, p. 8.
14. *Ibid.* p. 9.
15. Lawrence Wikander, *The Northampton Book* (Brattleboro, 1954), p. 91.
16. *A Brief Account*, p. 10.
17. *Hampshire Gazette*, November 17, 1805, p. 2, col. 3.
18. *Ibid.* November 17, 1805, p. 2, col. 3.
19. *Report of the Trial of Dominic Daley and James Halligan*, p. 7.
20. Wikander, *Northampton Book*, p. 92.
21. *Hampshire Gazette*, November 20, 1805, p. 2, col. 4.
22. *Hampshire Federalist*, January 7, 1806, p. 3, col. 1.
23. Wikander, *Northampton Book*, p. 66.
24. *Ibid.* p. 67.
25. *Ibid.* p. 94.
26. *Ibid.* p. 94.
27. The Hampshire County Superior Court Records (Book twenty-one, 1806), p. 32.
28. *Report of the Trial*, p. 13.
29. *The Massachusetts Spy*, April 23, 1806, p. 1, col. 1.
30. Wikander, *Northampton Book*, p. 96.
31. *Report of the Trial*, p. 20.
32. *Ibid.* p. 25.
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34. *A Brief Account*, p. 16.
35. *Report of the Trial*, p. 31.
36. *Ibid.* p. 33.
37. *Ibid.* p. 34.
38. *Ibid.* p. 34-35.

39. *Ibid.* p. 42.
40. Wikander, *The Northampton Book*, p. 97.
41. *Report of the Trial*, p. 45.
42. *Ibid.* p. 46.
43. *Ibid.* p. 46.
44. *Ibid.* p. 50.
45. Superior Court Records, p. 38.
46. *A Brief Account*, p. 19.
47. Superior Court Records, p. 40.
48. *Hampshire Federalist*, April 26, 1806, p. 4, col. 2.
49. Huen-Dubourg, *The Life of Cardinal Cheverus*, p. 137.
50. Wikander, *The Northampton Book*, p. 102.
51. *Ibid.* p. 102.
52. *Ibid.* p. 103.
53. *The Heads of Family Census, 1790 and 1810*, p. 46. Located in Forbes Library, Kingsley Room.
54. *Hampshire Gazette*, June 9, 1806, p. 1, col. 2.
55. Wikander, *The Northampton Book*, p. 105.
56. *Ibid.* p. 105.
57. Huen-Dubourg, *The Life of Cardinal Cheverus*, p. 138.
58. *Ibid.* p. 138.
59. *Hampshire Gazette*, June 9, 1806, p. 1, col. 3.
60. Huen-Dubourg, *The Life of Cardinal Cheverus*, p. 140.
61. Wikander, *The Northampton Book*, p. 107.
62. *Hampshire Gazette*, June 9, 1806, p. 1, col. 3.
63. *Daily Hampshire Gazette*, October 8, 1806, p. 13, col. 5.
64. *A Brief Account*, p. 22.
65. *Hampshire Gazette*, June 9, 1806, p. 1, col. 3.
66. Huen-Dubourg, *The Life of Cardinal Cheverus*, p. 143.
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68. Wikander, *The Northampton Book*, v. 71.
69. *Daily Hampshire Gazette*, September 24, 1806, p. 10, col. 7.
70. *Ibid.*