

*Chapter Eleven*

## The Hanging of Daley and Halligan

By RICHARD C. GARVEY

**N**EVER in its 152 years had Northampton been so crowded as it was on June 5, 1806. Some estimated that the little township of 2500 souls was that day host to more than 15,000 persons.

Those who arrived here early were able to see Major General Ebenezer Mattoon of the Fourth Division, Massachusetts Militia, high sheriff of Hampshire County, ride in from Amherst on his parade horse. He was accompanied by his aides, all armed with pistols hanging by their saddles. According to the early risers, they "presented a very imposing appearance."

At 10:30, the sheriff, attended by his deputies, a company of artillery and a detachment of militia, removed from the new stone jailhouse on Pleasant Street the two men whose scheduled execution had attracted the enormous crowd to the county seat. They were Dominic Daley, 34, and James Halligan, 27, of Boston, natives of Ireland, who had been in jail since their arrest in November soon after the body of Marcus Lyon, a young Connecticut farmer, was found in a stream at Wilbraham. He had been bludgeoned to death and robbed, and Daley and Halligan were convicted of the hideous crime.

Those frugal Hampshire farmers who started estimating the cost of the military parade that was attending the prisoners on their way to the gallows were told of reports that the prisoners' fellow countrymen were coming from Boston to rescue the condemned men from the sheriff. However, the only friend who walked with them was not an Irishman, but a refugee from terror-torn France, and his mission was of a different nature.

He was Reverend Jean Louis Anne Magdeleine Lefebvre de

Cheverus, a 38-year-old Catholic priest, assistant to Reverend Doctor Francis Matignon of Boston, whose parish embraced all of New England. Father Cheverus was born in Lower Maine, France, son of a police lieutenant, nephew of the mayor and of the local pastor. In his 23d year, he was made a priest in the last public ordination in Paris before the French Revolution.

Forced to flee France when the revolt brought in anti-clerical laws, Father Cheverus went to England and, in 1796, accepted the invitation of his former seminary professor, Father Matignon, to come to Boston.

Most of his time and energy were devoted to the Indians of Maine and to the scattered settlements of poor Catholics in New England, so Father Cheverus often found it necessary to shun the learned society which he would have graced. However, he helped to establish the Boston Athenaeum to which he donated some of his Hebrew and Latin texts, and became friendly with some of the state's most illustrious sons. He occupied the seat of honor at the banquet for President John Adams, who later contributed generously to help Father Cheverus and his pastor to build Holy Cross Church at Boston.

It was to the humble living quarters of this little church that the appeal of Daley and Halligan was delivered in the late spring of 1806. "We adore in the judgment of men, liable to be deceived, the decrees of Providence. If we are not guilty of the crime imputed to us, we have committed other sins, and, to expiate them, we accept death with resignation. We are solicitous only about our salvation; it is in your hands; come to our assistance."

Father Cheverus answered the call and, arriving in Northampton during the first week of June, 1806, went to the tavern of Asahel Pomeroy. It was the proprietor himself who turned him away, but it was Mrs. Pomeroy who received credit for warning her husband against letting a papist priest enter under the roof.

Father Cheverus joined his parishioners at the jail and there said the first Mass ever celebrated in Northampton. The prisoners received the Sacraments, and the priest gave them counsel and blessing to prepare them for death.

On the morning of execution, Daley and Halligan were not permitted to borrow razors, for the guards feared that the men would suicide and preclude the ceremonies which thousands were coming to witness. However, the word of Father Cheverus

caused the guards to change their decision and the prisoners were clean shaven when the sheriff and numerous attendants arrived.

The procession followed the route taken by Daley and Halligan only seven weeks earlier when they had been removed to the Hampshire County Courthouse to face trial for the murder at Wilbraham. Except for Daley's wife and mother, there were none to sustain them as they went on trial for their lives. The prisoners would probably have felt even more abandoned if they had been better acquainted with those in the courtroom.

There was Justice Samuel Sewall who had joined Justice Theophilus Bradbury in an opinion against Father Matignon in which Catholics were warned that they were only tolerated in Massachusetts and should expect nothing more. The other judge who was to conduct the murder trial was Justice Theodore Sedgwick whose contempt for the unlettered workmen and farmers had made his mansion at Stockbridge a target during Shays Rebellion.

The attorney general, James Sullivan, was the lawyer who had precipitated the case during which Father Matignon heard the court's warning about Catholics, and who had tried unsuccessfully to convict Father Cheverus on a marriage law complaint for which Judge Bradbury was eager to impose a pillory sentence. With the attorney general was John Hooker of Springfield, who had been named special prosecutor of Daley and Halligan.

The commonwealth had had five months in which to prepare its case, but no one asked the defendants whether or not they wished to have counsel until after they had pleaded innocent on April 22. The court then assigned attorneys and allowed them 48 hours in which to prepare the defense.

One of these newly-assigned lawyers, Francis Blake of Worcester, made a determined effort to save Daley and Halligan. Although he could not, on such short notice, locate any defense witnesses, his expert cross examination did much to weaken the commonwealth's case.

Attorney Thomas Gould was to have closed the defense, "but the evening having far elapsed and the prisoners signifying their assent, he declined addressing the jury."

Blake was tired and was suffering with a severe head cold, but would not cite the lateness of the hour, nor would he ask his clients to excuse him. After subjecting the commonwealth's evidence to critical scrutiny, he addressed the jury in words which

may indicate the tenor of the people of Hampshire County in 1806.

"Pronounce then a verdict against them. Tell them . . . that the name of an Irishman is, among us, but another name for a robber and an assassin; that every man's hand is lifted against him; that when a crime of unexampled atrocity is perpetrated among us, we look for an Irishman; that because he is an outlaw, with him the benevolent maxim of our law is reversed, and that the moment he is accused, he is presumed to be guilty, until his innocence appears."

However, the innocence of Daley and Halligan did not appear. The jury remained out only a few minutes and, before the end of the day on which the hearing began, two Irishmen were convicted of murder. Three days later, Judge Sedgwick sentenced them to be hanged and their bodies to be "dissected and anatomized."

On the morning of June 5, the procession did not stop at the courthouse but proceeded a few more feet to the church where Jonathan Edwards had preached. Its pastor, Reverend Solomon Williams, and the other ministers of the county had arranged a special service, but Father Cheverus protested.

The priest probably recalled the words Daley and Halligan had written in their second letter to him: "It will be a painful task for you after the fatigue of a long journey, and especially after the sad impressions made on your heart by the sight of two young men about to die in the bloom of youth; but you will not refuse us this favor, and reduce us to the necessity of listening, just before we die, to the voice of one who is not a Catholic."

The usually mild Father Cheverus was firm. "The will of the dying is sacred; they have desired to have no one but myself, and I alone will speak to them." He gave his sermon on I John 3; 15: "Everyone who hates his brother is a murderer, and you know that no murderer has eternal life abiding in him." The priest directed some of his words to the many women who were waiting to see the double hanging, and it is said that not a woman remained when the sermon ended.

However, there were plenty of men and children to fill the area at Pancake Plain. An eight-year-old boy, hanging out of a tree in order to get a better view, could recall the scene in great detail 70 years later. When their work was done, the guards went

to Capt. Joseph Cook's for entertainment which cost the county more than \$25. Other expenses included \$8. to Mr. Pomeroy for the dinner served to the ministers, \$7. to Hezekiah Russell who built the gallows, and \$2.17 for ropes and cords.

Mrs. Mary Shepherd, daughter of Gen. Seth Pomeroy and widow of Dr. Levi Shepherd, wrote in her diary about the Catholic priest: "a remarkable, mild man" who "explains his religion in a very different manner from what we have always been taught." About Daley and Halligan, she wrote: "The criminals who were executed this day in the last words denied the crime, and declared their innocence in a most solemn manner, and forgave everyone as they hoped for pardon themselves. Poor men, they must have been guilty."

Contemporary accounts state that of the 15,000 persons present, "scarcely one had doubt about their guilt." Notwithstanding this unanimous certainty, many people asked Father Cheverus, to whom Daley and Halligan had gone to Confession, if he would tell whether or not the two men had confessed to murder. In the last of a series of talks requested by Northampton residents, he explained "the doctrine of the Church respecting Confession and the inviolable secrecy imposed upon the confessor, which he cannot break even to save a kingdom."

Joseph Clarke of Hawley Street, who was host to Father Cheverus during the latter part of his visit here, was one of several townspeople who urged the priest to remain longer in Northampton, but he had to return to his parish duties. Two years later, despite his protests, he was named first bishop of Boston, and served until 1823 when he returned to France to assume bishopric there.

After Cheverus was appointed archbishop of Bordeaux and raised to the French peerage, Rev. Dr. William Ellery Channing, the Unitarian leader in Boston, wrote: "Has not the metropolis of New England witnessed a sublime example of Christian virtue in a Catholic bishop? Who among our religious teachers would solicit a comparison between himself and the devoted Cheverus? He has left us; but not to be forgotten. He enjoys among us what to such a man must be dearer than fame. His name is cherished, where the great of this world are unknown. It is pronounced with blessing, with grateful tears, with sighs for his return, in many an abode of sorrow and want."

Whenever this "remarkable, mild man" of Mrs. Shepherd's diary spoke of the two men whom he had attended at Northampton, he referred to them as innocent. However, in 1836, soon after receiving the red hat of a cardinal, Cheverus went to his death without receiving the report that a certain native-born man had confessed the murder for which Daley and Halligan had been executed.