

HISTORY OF THE
Archdiocese of Boston

In the Various Stages of Its Development

1604 to 1943

IN THREE VOLUMES

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With a Foreword by

HIS EMINENCE

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In May and June, 1806, Father Cheverus took a prominent part in a sad event, which wakened a deep and intense public interest in the western part of Massachusetts. It had to do with the trial and execution of two Irish Catholics for murder and robbery.⁸¹

The crime with which they were charged was committed on November 9, 1805, at Wilbraham. On that day the dead body of a certain Marcus Lyon, of Woodstock, was found in Chicopee River. The coroner's inquest resulted in a verdict that he had been willfully murdered by two transient men, in sailors' clothes, who were seen passing through Springfield toward Connecticut on the evening of the day of the murder. These men were apprehended at Rye on the 12th. Both were Irish. One, named James Halligan, about twenty-seven years old, had resided for some years past in Hartford and in Boston; the other, named Dominic Daley, thirty-four, had come from Ireland only nine months before. It is known that Daley had a widowed mother, a wife, and a young child in Boston. The accused

⁸⁰ *New England Palladium*, Aug. 13, 1805.

⁸¹ For this case, see *Report of the Trial of Daley and Halligan*, etc., by a Member of the Bar (Northampton, 1806); cf. *Hampshire Gazette*, Nov. 13, 20, 1805, and April 30, 1806; *Republican Spy*, Nov. 19, 1805, June 10, 1806; *Hampshire Federalist*, Jan. 7, April 22, 29, June 3, 10, 1806; *Massachusetts Spy*, Nov. 20, 1805, June 25, 1806; and *Independent Chronicle*, Nov. 21, 1805; cf. *Records of Supreme Judicial Court*, II, 35 ff.

were both committed to jail in Northampton and held for trial, which was set to take place before the Supreme Court at Northampton on April 22, 1806.⁸²

The murderous assault, committed in daylight on the high road, supposedly by two tramps belonging to the class of the despised Irish foreigners, naturally aroused great excitement and even panic among the people. Indeed, so great was the public interest that the trial (April 24th) was vastly overcrowded, and had to be moved from the courthouse to the meeting-house. Even this larger place was filled to overflowing.⁸³ The trial lasted all day, beginning at 9 A.M. and ending with the jury's verdict of guilty, rendered shortly after 10 P.M. This verdict was based only on circumstantial evidence.

On Friday, April 25th, sentence of death was imposed by the presiding judge "in a very solemn and impressive manner." He reminded the condemned men that "they were soon, very soon, to appear before a tribunal, where not merely their actions, but their motives, would be scrutinized." According to one account of the trial, Daley seemed 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 less criminal, exhibited stronger marks of total insensibility, or obstinate and hardened wickedness, than is often witnessed.⁸⁴

Father Cheverus' biographer wrote in a quite different manner. Evidently in this particular case depending on original documents, he stated that the two men were

resigned to the sentence of death passed upon them, and thinking only of preparing their souls for the awful passage to eternity, they wrote to Father Cheverus, to ask the consolations of

⁸² The *Hampshire Federalist* of June 10, 1806, speaks of a brother of Daley's in Boston, and says that Daley was here for two years. The *Holy Cross Parish Records* show the presence here of a Malachy Daly, and a Michael Daly in 1797. Both were married and had children. There was also a Margaret Daily, buried in 1801. Other Daleys also are named in the parish records, but there is no mention of any Dominic Daley. The surname Halligan does not occur in the church books up to 1810.

⁸³ *First Parish, Northampton* (Northampton, 1878), p. 20.

⁸⁴ *Hampshire Federalist*, April 29, 1806.

his ministry on this trying occasion. *Their letter, which was found among the papers of the Cardinal, altho it shows them to have been uneducated men, proclaims them Christians full of faith. "We adore," they wrote, "the decrees of Providence. Although 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."* They also asked the priest to deliver the customary execution discourse. *"It will be a painful task for you — 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."*⁸⁵

Father Cheverus hastened to Northampton to perform this affecting priestly service. Meanwhile, Dominic Daley's mother, Mrs. Ann Daley, of Boston, presented to the Governor a petition for her son's pardon. In this she represented

as well in behalf of the unhappy convict, his wife, and child, as herself, that the evidence offered in the trial was *not positive*; but merely circumstantial; that a child not fourteen years old was the principal witness. *Neither can your Excellency be unconscious of the strong prejudice prevailing among the Inhabitants of the interior against the common Irish people who have emigrated to the United States; and in the present case the public mind has been influenced in a great degree by conversations and newspaper publications which precluded the possibility of that impartiality of trial which the law contemplates; and further that the prisoner has ever been a good son, father and husband; and ever sustained the reputation of an honest man and a good subject.*⁸⁶

The pardon was not granted.

At Northampton the sheriff appointed Pomeroy's Tavern (on lower Main Street) for Father Cheverus' residence while in town; but the tavern-keeper refused to receive the priest because of his wife's objections. This lady declared that she

⁸⁵ Hamon-Stewart, *Life of Cardinal Cheverus*, pp. 84-85. See particularly the statement about the lawyer's ignorance and the translator's note.

⁸⁶ Petition of Ann Daley, May, 1806, in *Mass. Arch., Pardons not granted*, I, 1785-1814.

"would not have been able to sleep a wink under the same roof with a Catholic Priest." Father Cheverus was, however, received by Joseph Clark, a non-Catholic, then living at the lower end of Pleasant Street. It was afterwards said that

For his heretical act, Mr. Clark, although not excommunicated from the Church, was pretty severely censured by some of his brethren, and although within a few years from [that time] his wife died, [and] his house was struck by lightning . . . yet in all this he failed to recognize the hand of Providence chastizing him for his heresy.⁸⁷

Father Cheverus spent much, if not all, of his time with the condemned men. He said Mass for them, probably in the jail, since he gave them Holy Communion. Under his care they prepared a final statement in which they protested their innocence. The statement concluded by thanking Father Cheverus "for his long and kind attention to us, as likewise every other friend that served us and comforted us during our long confinement."⁸⁸

On the day of the execution, Father Cheverus delivered the sermon in the meeting-house in the presence of an overflow assembly. "The Priest occupied a pew in the front gallery, with the window out, so that a crowded house and a vast multitude outside (it was afterwards estimated at 15,000) could hear him."⁸⁹ In the *Hampshire Federalist* of June 10, 1806, Father Cheverus' sermon was described as "an appropriate and eloquent discourse . . . from 1 John 3, 15. *Whosoever hateth his brother is a murderer.*" His biographer stated that the speaker

felt himself animated with holy indignation against the curiosity which had attracted to that mournful scene such a crowd of spectators. "Orators," cried he in a loud and stern voice, "are usually flattered by having a numerous audience, but I am ashamed of the one now before me. . . . Are there then men to whom the death of their fellow men is a spectacle of pleas-

⁸⁷ Letter in *Hampshire Gazette*, Feb. 1, 1870; see also the same for April 27, July 6, July 20, Aug. 24, 1869; Feb. 1, 8, 1870.

⁸⁸ *Republican Spy*, June 10, 1806.

⁸⁹ Letter of L. W., a witness, published in *Hampshire Gazette*, July 6, 1869.

ure, and object of curiosity! . . . But you, especially, O women! What has induced you to come to this place? Is it to wipe away the cold damps of death that trickle down the faces of these unfortunates? Is it to experience the painful emotions which this scene ought to inspire? . . . No, it is not for this. It is to behold their anguish and to look upon it with tearless, eager and longing eyes. Ah, I blush for you; your eyes are full of murder. . . ."

It has been said that afterwards some Protestants of the town invited Father Cheverus to preach to them, which he actually did several times before his departure for Boston.⁹⁰

⁹⁰ Hamon-Stewart, *Life of Cardinal Cheverus*, pp. 87-88.