

Justice sought 176 years after 2 men hanged

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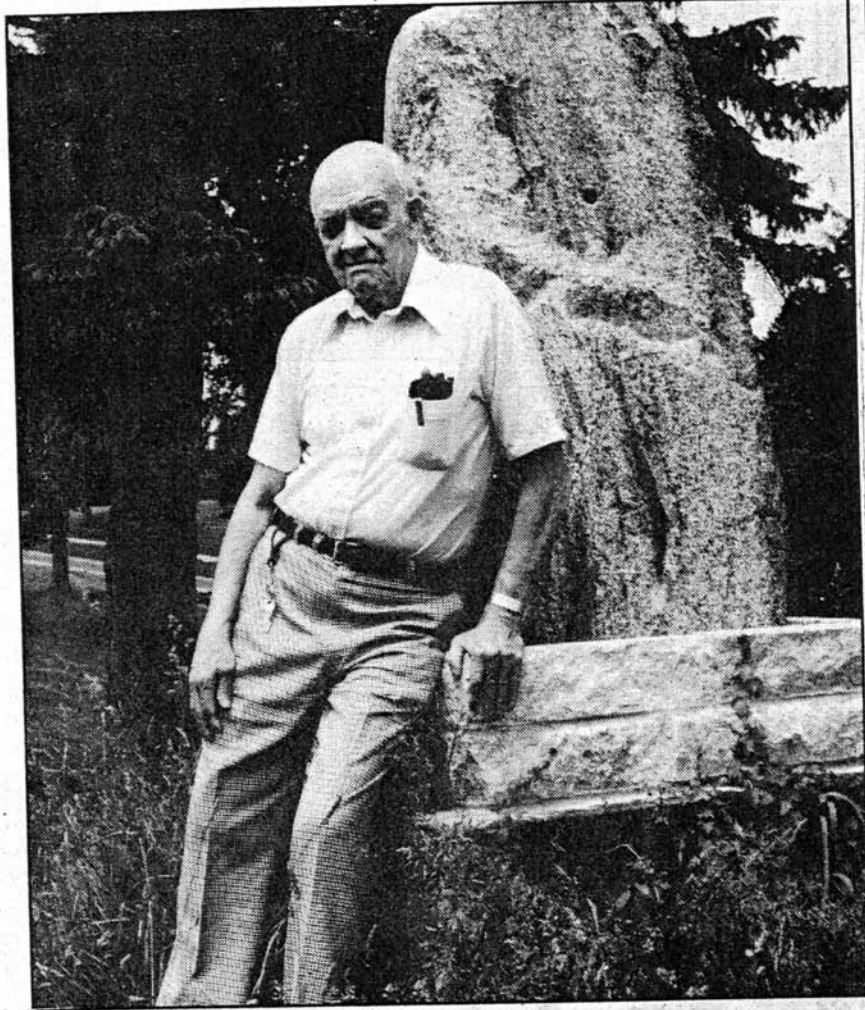
NORTHAMPTON - In early June 1806, the first Catholic Mass ever celebrated in this city was said in a jail cell. The occasion was the imminent hanging of two Irish immigrants for a murder it appears they did not commit.

The priest, who traveled from Boston at the prisoners' request, had to sleep at the jail because no local innkeeper would give shelter to a "Papist." The morning of June 6, the day of the execution, he addressed an overflowing crowd at church where Jonathan Edwards had delivered his hell-and-damnation sermons the century before.

Some 15,000 persons came to Northampton, then a town of 2500, to witness the execution of James Halligan and Dominic Daley. More than 60 years later a man who had attended the hanging as a boy recalled: "The pines . . . were filled with spectators."

An event that captivated this Connecticut Valley city 176 years ago still stirs it today. Then the interest was in seeing two Catholic strangers executed for the murder of a young Connecticut farmer. Today John Carlon, a 73-year-old retired firefighter, seeks a posthumous pardon for two men he says died from bigotry, not justice.

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John Carlon stands beside memorial in Northampton dedicated to Irish immigrants hanged for a murder they may not have committed.

GLOBE PHOTO BY RICHARD CARPENTER

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Historians, for more than a century, point to the later deathbed confession of another man, to argue that Daley and Halligan were wrongly executed.

Story well-known here

To grow up Irish and Catholic here is to have heard the story of Daley and Halligan. A granite mound outside Northampton State Hospital memorializes the two, who were prosecuted by lawyers who had five months to prepare their case and defended by attorneys who had two days. A mural that hung for many years in the downstairs chapel of St. Mary's Church depicted the first Mass. In 1974 a Northampton float showing the condemned men kneeling at the cleric's feet won a prize in Holyoke's St. Patrick's Day parade.

Carlton — who wore a green tweed jacket, green tie and lapel pin of the Irish and American flags to a recent interview — became last month the first person to seek official recognition of what he calls an apparent injustice. "I was kind of jealous I never thought of it," says W. Michael Ryan, a 35-year-old Northampton lawyer who helped conceive the 1974 float.

Carlton has the support of Mayor David B. Musante Jr., and Rep. William P. Nagle, Jr. (D-Northampton). On Friday the House adopted a resolution filed by Nagle urging the governor to grant a pardon. "Evidently," says Peter Kocot, Nagle's legislative aide, Gov. Edward J. King "is hesitant about signing that kind of pardon because he feels it would reflect badly on his stand favoring capital punishment."

'We've got better things to do'

According to Kocot, the governor's chief legal counsel, William Highgas, said as much in a meeting on the subject earlier this month. Highgas does not recall the exchange. Says Dennis Curran, assistant legal counsel to the governor; "We've got better things to do. It's time we put the 19th century to rest and get on about protecting the living from becoming victims of violent crime."

But in Northampton, a city of 30,000 where Irish-Americans are now a major force in politics and business, people are not ready to forget. Carlton wants Halligan and Daley exonerated, much as former Gov. Michael Dukakis in 1977 cleared the names of Nicolas Sacco and Bartolomeo Vanzetti, Italian immigrants electrocuted in 1927.

On Nov. 10, 1806 the body of Marcus Lyon, a 23-year-old farmer returning to his Woodstock, Conn., home after a year in upstate New York, was found in the Chicopee River at Wilbraham near the road from Boston to New York. He had been shot and beaten, then dragged through the brush and dumped into the river with a weight tied to his head. The body was recovered by local residents who had organized a search the day after a farmer found Lyon's horse in his pasture, saddled but riderless.

Posse makes arrest

Shortly afterward, a Northampton posse caught up with two men who were seen walking near the scene of the crime the afternoon of Nov. 9. On Nov. 12, Halligan and Daley were arrested in an inn near Rye, N.Y. They had walked from Boston and were waiting for a boat to take them to New York City, where Daley, 34, hoped to collect a debt and Halligan, 27, planned to visit a cousin.

From the moment they were arrested to the time they died, Daley and Halligan professed their innocence. They were jailed and tried in Northampton, seat of the extensive Hampshire County of the day.

The state's case, from inquest to trial, was handled by a special prosecutor, John Hooker, and Atty. Gen. James Sullivan, who was elected governor in 1807. Sullivan, himself the son of Irish immigrants, was said to be vehemently anti-Catholic to deflect suspicion of his own background. In 1801 he unsuccessfully tried Fr. Jean LeFebvre de Cheverus, the priest who visited Halligan and Daley, for performing an illegal marriage.

On April 22, 1806 Halligan and Daley pleaded innocent to the charges against them. At that time they were each assigned two lawyers and the trial was set for April 24.

Heavy interest in trial

According to an 1869 letter written to the Hampshire Gazette by a man who witnessed the proceedings as a boy, the trial generated such interest that it was moved from the court to the meeting house. "The galleries were propped up with extra timbers for the occasion," he wrote. "Perhaps this precaution was especially used from the fact that in a previous house of worship, during the ministry of the Rev. Jonathan Edwards, the galleries did fall during divine service."

At the one-day trial the state re-

and Bartolomeo Lanzetta, Italian immigrants electrocuted in 1927 for the Braintree murders of a shoe company paymaster and a guard.

"I don't want to make this a political football. It's a moral issue. I can't understand why there was never anything done about this," says Carlon, who, like Mayor Mulsante, supports the governor's position on capital punishment. "No system is perfect. If they do make a mistake they should be honest enough to rectify it."

Today the local St. Patrick's Assn. plans a commemorative ceremony at the monument on Hospital Hill. Carlon will lay a wreath on the stone, which he says was erected in 1878 by the Friendly Sons of St. Patrick, and Kocot will read the House resolution.

The rock, flanked by two tall pines and distinguished only by the date "1878" chiseled on its face, sits on a knoll near the hospital entrance. The rise and the rolling expanse of lawn surrounding it are neatly trimmed, but the marker is met by an unkempt circle of weeds.

It's not far from this spot that Daley and Halligan were executed. Their story emerges from a reading of the trial record and other contemporary accounts, as well as subsequent histories by such people as Richard Garvey, editor of the Springfield Daily News and an expert on local history, and the late Superior Court Judge Robert Sullivan.

At the one day trial...
lied on the testimony of Laertes Fuller, a 13-year-old boy who testified he had seen Daley and another man leading a horse that looked like the one later found in the pasture. Fuller had also picked Daley from a crowd where the accused were the only men in handcuffs.

Other witnesses said they had seen Lyon, the horse, or Halligan and Daley in the area. The prosecution pointed out that the two walked the 80 miles from Boston to Wilbraham in five days.

Jabez Upham, one of Halligan's defense attorneys, unsuccessfully asked the court to allow him to introduce evidence showing the scene of the murder was a high crime area where people had been victimized long before Halligan and Daley set out from Boston. "Trunks have been cut from the stages as they were passing," he said. "The drivers always feel apprehensive of danger when they are near."

As a result the entire defense consisted of a speech to the jury by Francis Blake, Halligan's other lawyer. Blake attempted to discredit Fuller and other witnesses. He warned the jury against the popular feeling "that the name of an Irishman is, among us, but another name for a robber and an assassin; . . . that when a crime of unexampled atrocity is perpetuated among us, we look around for an Irishman."

The jury deliberated less than

an hour before finding Daley and Halligan guilty.

As the two awaited execution they wrote to Fr. Cheverus in Boston, asking him to spare them, "the necessity of listening, just before we die, to the voice of one who is not a Catholic."

In his sermon the morning of the hanging, Cheverus admonished the women in the audience.

"Your eyes are full of murder," he said. "You have forgotten your sex; you have dishonored it." It is said no women subsequently attended the execution.

Reports of the later deathbed confession surfaced in the 1830s. Most accounts refer to an anonymous, native-born man as the admitted killer, but District Court Judge Luke Ryan, a former mayor of Northampton, who researched

the case 50 years ago, recalls reading the murderer was the uncle of Laertes Fuller, the boy whose testimony was the heart of the state's case.

Throughout the 19th century letters to the Hampshire Gazette indicated a continuing debate about the guilt or innocence of the two Irishmen. As late as 1974, when the Gazette reported on the prize-winning St. Patrick's Day float, a

Florida woman who said she was descended from Marcus Lyon wrote the paper that she was offended.

Whether or not Carlon's campaign absolves Halligan and Daley, their names are not likely to be forgotten here. Says William O'Riordan, who was co-chairman of the 1974 parade committee: "My daughter is 3½, and she'll know what the rock on the hill stands for."
