

# The 1806 trial of Daley and Halligan

On June 5, 1806, Northampton, then a village of 2,500 souls was mobbed by a crowd of 15,000 come to watch the hanging of two Irish immigrants from Boston, Dominic Daley and James Halligan.

Since their arrest, the previous November, for the murder in Wilbraham of Marcus Lyon, the two had been confined in the local jail on Prison Lane, now Pleasant Street. Built in 1801 of red stone from the quarry near Mount Tom, the 28-by-40-foot jail boasted three cells on each of its two floors plus a dungeon "on the southerly side."

Wilbraham was then still a part of Hampshire County. Thus the trial of Daley, 34, and Halligan, 27, had taken place in Northampton where the Supreme Judicial Court convened on April 22nd. Both of the accused pleaded not guilty. For their defense, the court now appointed two lawyers who thus had only 48 hours to prepare their case in contrast to the Attorney General and his staff who had had five months.

Almost certainly, the fate of Daley and Halligan had been sealed by 13-year-old Laertes Fuller who lived close to the site of the murder and who testified he saw two men acting suspiciously along the toll road at the time of the crime. From a lineup, in which the only two men in chains were Daley and Halligan, the boy singled out the former as one of the men he had seen on the road. The two accused, incidentally, had no chance to take the stand in their own defense as this was not permitted in Massachusetts until 1866.

In his summation, defense lawyer Francis Blake of Worcester bravely zeroed in on the anti-Catholic, Irish-hating atmosphere in the meeting-house where the trial took place as the Northampton courthouse was too small. "Pronounce then a verdict against them," he cried. "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 amongst 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 is proved."

The trial lasted from 9 a.m. until 11 p.m. Found guilty, Daley and Halligan were sentenced to hang on June 5th. Facing death without the comfort of their faith, the condemned got word to their priest in Boston, Father John Cheverus. "We are not guilty of the crime imputed to us, but we have committed other sins ... Please do not refuse us this favor, we are solicitous only about our salvation. Come to our assistance."

Cheverus arrived in Northampton to be turned away at Pomeroy's Tavern as the innkeeper's wife would not allow "a

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papist" under her roof. Seeking refuge at the jail itself, the priest instead was taken into his home by Joseph Clarke of Pudding Lane, now Hawley Street. The first Mass ever said in Northampton, incidentally, was celebrated in the jail.

On the morning of their execution, Father Cheverus persuaded the jailer to allow the condemned the use of a razor to shave themselves. Then, at half-past ten, they were taken to the meeting-house to listen to their own funeral sermon as was the custom at that time. Led by the High Sheriff of Hampshire County, Major General Ebenezer Mattoon of Amherst, the prisoners' guard was comprised of two companies of Infantry, one of Artillery, and part of a Cavalry company. Rumors were rife that 800 Irish were en route from Boston to liberate their countrymen. The local authorities were taking no chances.

The Rev. Solomon Williams was primed to deliver the funeral discourse but gave in to Father Cheverus who insisted that "the will of the dying is sacred. They have desired to have no one but myself, and I alone will speak." His text was based on I John 3:15. "Whoever hateth his brother is a murderer." Surveying the crowded church, Cheverus was appalled at the large number of women present. "What has induced you to come to this place? 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 ... I blush for you. Your eyes are full of murder." Every woman in the crowd got up and left.

In her diary, Mary Pomeroy Shepherd described Cheverus as "a remarkable mild man who explains his religion in a very different manner from what we have always been taught." She noted how the condemned "declared their innocence in a most solemn manner and forgave everyone as they hoped for pardon themselves. Poor men, they must have been guilty."

With the Northampton Militia leading the way and a band playing the "Death March," Daley and Halligan were marched to Gallows Plain, now Hospital Hill. The gallows stood on the site of the now blocked-up entrance gate to the onetime Northampton State Hospital. One of the boys tagging after the procession, 8-year-old Theodore Rust, climbed a tree to watch. Eighty years later he recalled how General Mattoon "rode up to the gallows ... and with a knife or hatchet cut the rope that let the prisoners down." The bodies were taken to a barn on Maple



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This old marker on Hospital Hill was adopted as a memorial to Daley and Halligan. The bronze plaque reads: "Executed 1806, Exonerated 1984."

(now Conz) Street to be "dissected and anatomized" per Judge Theodore Sedgwick's sentence. Father Cheverus returned to Boston where, two years later, he was made Bishop of Boston. In 1823, he returned to France, his home, and later became Cardinal of Bordeaux.

Richard C. Garvey, who began his career in journalism in 1943 as a reporter for the Gazette, wrote up the Daley-Halligan trial as one of his four contributions to "The Northampton Book" published in 1954 to mark this city's tercentenary. In 1982, inspired by this account, a retired Northampton firefighter, John Carlon, sought a pardon for the two men from Gov. Edward J. King. This failed, but two years later, on the 178th anniversary of their execution, there was read at a Mass in Blessed Sacrament Church, a proclamation by Gov. Michael Dukakis stating that "religious and ethnic intolerance played a significant role" in the execution of Daley and Halligan.

"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." Thus wrote Gazette editor and esteemed 19th-century Northampton historian, James R. Trumbull, in 1898. Trumbull did not name this deathbed confessor, but local tradition maintains that it was the uncle of Laertes Fuller, the 13-year-old witness at the trial of Dominic Daley and James Halligan.

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