

## Boston Irish History

## Objection Overruled!

### A Look Back at Boston's Irish 'Legal Eagles'

By PETER F. STEVENS  
BIR STAFF

First in a historical series on Boston's Irish lawyers.

The so-called "Boston Irish lawyer" is the stuff of popular local legend. With the age-old love of words that marks people of "green bloodlines," a legion of Boston Irish men and women have made their presence known in legal circles. It was in the 19th century that the Irish started to crowd the Boston bar, but in the decades immediately after the American Revolution, several men of Irish lineage set the stage for that burgeoning legal legion.

#### A Figure of Controversy: James Sullivan

With the surname Sullivan, one might think that Irish immigrants of the late 18th and early 19th centuries would have sung the praises of this son of Irish immigrants. After all, he rose to prominence as a Revolutionary War rebel, as a Boston barrister, as Massachusetts's attorney general, and as the state's governor. James Sullivan, however, was not a friend of Irish Catholic immigrants.

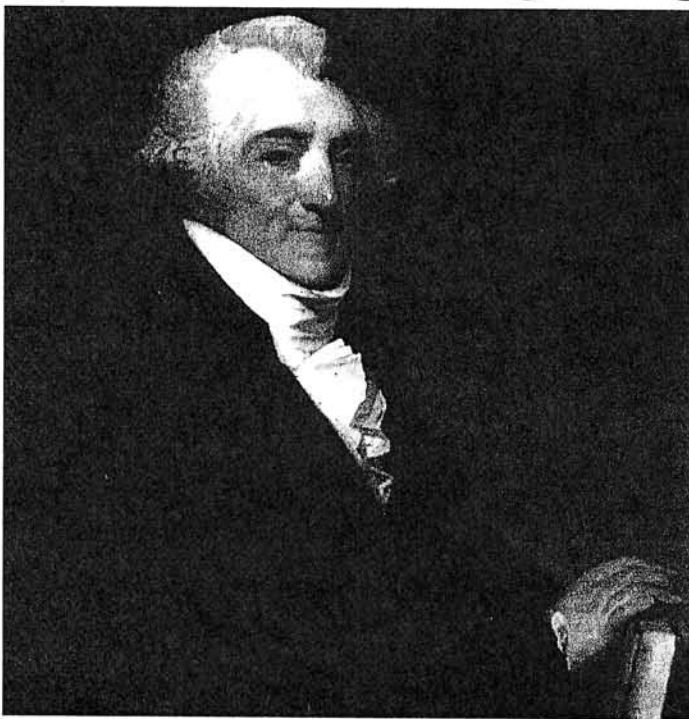
No one doubted his intellect and abilities. As James B. Cullen writes in *The Story of the Irish in Boston*, "James Sullivan was a most ardent and distinguished patriot of the American Revolution, and he was equally noted for his masterly ability as a lawyer, statesman, and orator." In a twist of history, he hailed from a clan of Catholic rebels against the Crown, yet rode to the governor's office on the strength of having prosecuted two Irish-Catholic immigrants in a specious murder case and execution that foreshadowed the Sacco-Vanzetti controversy.

James Sullivan was the son of Irish schoolmaster John Sullivan, a native of either Co. Kerry or Co. Limerick. The elder Sullivan, abandoning his

dream of becoming a priest, had emigrated to Maine (then a part of Massachusetts) in the early 1720s and settled in Berwick in 1723. Arriving in Maine as a Roman Catholic, he eventually changed his religion to "get by" in Protestant New England, abandoning a heritage of Irish-Catholic opposition to the Crown. Thomas H. O'Connor, in *The Boston Irish: A Political History*, writes: "James [Sullivan] was the grandson of Major Philip O'Sullivan of Limerick, a Catholic rebel who had fled to France in 1691 along with other 'Wild Geese' after the victory of William. The major's son John returned to Ireland, where he intended to study for the priesthood, but gave up the idea..." The fact that England's harsh Penal Laws governed Ireland rendered John Sullivan's dreams of the collar virtually impossible.

On April 22, 1744, James Sullivan was born in Berwick, one of five sons conceived by John and his wife, who, Cullen writes, was "a woman of great energy and spirit." Now a schoolmaster in the Maine settlement, John Sullivan educated his sons: James, Daniel, Eben, John, and Benjamin. Of James, Cullen asserts, "The principles of self-government and the right of the colonists, as freemen, to resist the imposition of taxes other than those which were imposed by themselves and for their own benefit, were taught him, and deeply impressed on his young mind."

Sullivan grew up on a farm, as even a schoolmaster in those hardscrabble frontier days had to grow food to support his family. The youth loved the physical tasks of the field, but after he shattered his leg while cutting down a tree, the bones knit back crookedly and weakly, and he could no longer perform grueling physical chores. He threw himself into his studies, and his intellec-



James Sullivan: Followed by controversy. (Gilbert Stuart image, courtesy of the Massachusetts Historical Society.)

tual gifts soon materialized.

Sullivan decided to study law and, after clerking for a Maine attorney, passed the Massachusetts bar. Quickly carving out a reputation as a gifted and pragmatic advocate, he established a successful practice first in Maine, then in Boston. As the town edged closer and closer to rebellion against King George III in the early 1770s, the attorney whose grandfather had been one of the legendary "Wild Geese" embraced the burgeoning Patriot cause, proving one of Boston's foremost opponents of taxation without representation. Three of his brothers — John, Daniel, and Eben — similarly immersed themselves in the desire for independence from Britain.

In 1775, when the "shot heard round the world" pealed from Lexington Green and Concord Bridge in the months following

April 19, James Sullivan served as a member of the Provincial Congress and, once George Washington chased the redcoats from Boston in March 1776, as a judge in the Massachusetts Supreme Court. Though he longed to serve as a Rebel officer, as did his brothers John, who became one of the Continental Army's most famous generals, Daniel, and Eben, James's crippled leg precluded that. He did, however, raise large amounts of troops for the cause. Cullen notes: "His lameness prevented him from assuming command, which his generous spirit would have gladly accepted were it not for that misfortune."

In 1782, Sullivan served as a member of the Continental Congress, and in 1788, with independence from Britain won, he was elected to Congress as a Massachusetts representative. One of the state's

bright political stars, he became attorney general in 1790 and began to set his ambitious gaze at the governor's chair.

On November 5, 1805, a crime west of Boston unfolded, and its aftermath would propel Sullivan into the most controversial and important case of his career. The first inkling of the tragedy materialized as a panting, wide-eyed horse galloped with an empty saddle along the old Boston Post Road near Wilbraham. A local man settled the mount down and began to search in the direction from which the horse had dashed. The man halted just off the road, near a bend of the Chicopee River — where a body bobbed in the cold water.

Once local authorities fished the corpse from the river, they identified him as Marcus Lyon, a youthful farmer from Connecticut. A pistol ball had torn into his ribcage, and his

killer or killers had "smashed his head to a pulp." As word of the savage murder spread throughout western Massachusetts and across the New York and Connecticut borders, search parties tracked the Boston Post Road, fields, and forests for "suspicious" men, especially strangers.

The constables prowled the region for two burly men who looked like sailors and were headed toward New York, the "sighting" provided by a local 13-year-old boy named Laertes Fuller, who claimed to have spotted the pair near the murder site.

Sometime in late 1805, a search party rode upon two men — 34-year-old Dominic Daley and 27-year-old James Halligan — near Rye, New York. The duo's brogues and rough appearance made them instantly suspicious to the constables. Daley and Halligan, however, "made no kind of resistance but professed innocence and willingness to be searched." The constables answered by throwing the Irishmen in chains and hauling the prisoners to a dark cell in Northampton.

Shortly after Daley and Halligan were imprisoned, local authorities escorted young Fuller into the jail for a look at the manacled suspects. The boy proclaimed them the very men he had seen "fleeing" from the purported crime scene.

For locals and Bostonians alike, mostly Protestant, an almost palpable sense of relief greeted Fuller's "eyewitness" identification. The fact that the alleged killers were Irish assuaged fears that one or more of the region's own — native-born Protestant Americans — had committed such a brutal act. As a Massachusetts jurist would later contend, locals preferred to believe that only "outsiders" could have killed so savagely, and in early nineteenth-century New England, the Irish were the quintessential outsiders:

"The concept of religious freedom... had many dissenters among Massachusetts Protestants. Whatever disagreement may have existed among themselves on theological doctrine, they were united on a single point — their hatred of the Catholic faith and its adherents, especially the Irish."



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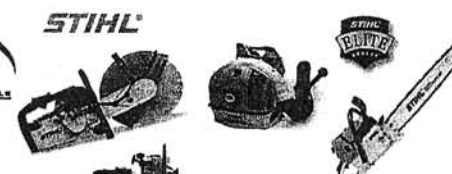
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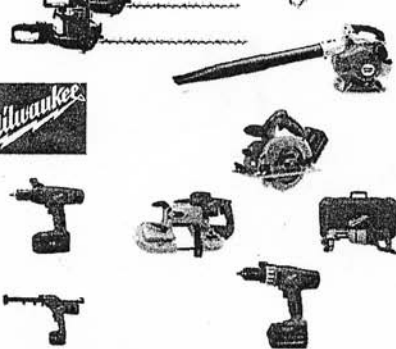
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Attorney General James Sullivan, running for governor, viewed the case as an opportunity. He decided that his office would prosecute the two Irishman vigorously—and that he would argue the case himself.

The grandson of Major Philip O'Sullivan planned to take the governorship of Protestant Massachusetts by seeing two Catholic Irishmen hang, the evidence be damned.

**NEXT MONTH: The Trial.**