

CHAPTER 9

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*Tearless, Eager  
and  
Longing Eyes*

**I**N THE HOUSEHOLD of Tommy's youth, everything was tinted green. You absorbed Irish history just by living there. Looking back, Tommy had the impression that even his Polish mother had come to feel she was Irish. He felt impatient with the current tendency for ethnic labeling. "I think we've put too much into names," he said. But it wasn't as if ethnicity didn't matter to him. "I think it's great that someone's proud of their heritage. I certainly am. But don't kill it with names."

About halfway up Hospital Hill, a huge oblong stone stands upright on a pedestal, like a big tombstone. No one in town seemed to remember who put it there, or when, or why. Some local people assumed it marked the site of Northampton's gallows. Eleven years earlier, at any rate, it had become a memorial to the town's most notorious hanging. One day Tommy parked his cruiser and climbed up to the stone. A plaque was fastened to it. The inscription read:

DOMINIC DALEY  
JAMES HALLIGAN  
EXECUTED 1806  
EXONERATED 1984

“One of the arguments against the death penalty,” said Tommy, looking at the plaque. He didn’t agree with most of those arguments. Reminded that execution was not a deterrent to murder, he’d reply, “It is for the person who gets executed.” But this was a place for longer thoughts. “Like I say, in 1806 being Irish was a crime. Just like today—whoever’s on the bottom of the totem pole gets blamed.” He stood there for a few minutes, the old buildings of the defunct state mental hospital behind him, the town’s favorite sledding hill off to his left. He looked downhill to the east, over the Smith playing fields and riding stables. “I don’t know if this is where they were hanged or not. Nice place to hang somebody, if it was.”

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On November 10, 1805, a young traveler named Marcus Lyon was found murdered, a bullet in his chest, his skull caved in, some miles south of Northampton. The body lay in the shallows of the Chicopee River near Wilbraham, then part of Hampshire County. Northampton was the county seat, so the case became in part Northampton’s. Caleb Strong, the governor of Massachusetts and a favorite son of the town, was running for another term. He posted a reward of \$500 for the murderer of Lyon, an extraordinary sum back then. A posse rode out of Northampton, and on the twelfth arrested two Irish Catholics, James Halligan and Dominic Daley, who were about to board a boat for New York City. The suspects claimed they were innocent. They languished for about five months in the county jail downtown. The transcript of the trial, informally compiled by an anonymous “member of the bar,” describes a vigorous prosecution. The state’s attorney general came from Boston to perform it. He was running for governor against Strong.

The old courthouse was too small for the occasion. So the authorities repaired to the town’s largest public theater, the Old Church on Meeting House Hill. The crowd filled every seat. The overflow peered in the windows. The judges and the lawyers sat on a stage hastily erected in front of the pulpit. None of the chroniclers describes the defendants’ location. Halligan was twenty-seven. A witness to the events remembered him as short and “robust,” and claimed he was illiterate. Daley, thirty-four, was “well-educated,” and of a more refined appearance—“rather tall, a well formed athletic man.” Daley also had a little child and a “fine looking” wife.

The town had erected this church in 1737, after the upper gallery of the previous one had fallen down during Sunday services. No one had been injured, but seventy years later the town’s faith in balconies re-

mained shaken. One eye-witness to the trial of Halligan and Daley wrote: "In the afternoon, just as the writer, then a small boy, with his father, reached the top of the gallery stairs, a cry was raised that the galleries were falling." A number of people jumped out the windows. "But the alarm soon subsided, when it was seen that it was false, and the trial proceeded."

The prosecution proved that Halligan and Daley had traveled swiftly after they passed the murder site. They showed the jury that pockets had been sewn inside the Irishmen's long overcoats, pockets that would have nicely accommodated pistols, such as the one they must have left behind in pieces near the body. The prosecution offered no proof that the pistol was theirs and no other evidence worth mentioning, except for the testimony of a boy from around Wilbraham. He identified the two Irishmen. He said he'd seen one of them put the victim's horse in a pasture, and that the other Irishman had stared at him, giving him a dirty look.

The trial lasted all one day and well into the night. The judges—there were two—had given the defense attorneys only a few days to prepare. The defense produced no evidence or witnesses. The court would not allow Halligan and Daley to testify: until 1866, criminal defendants in Massachusetts had only the right to remain silent. There were four defense attorneys. Three don't seem to have tried very hard; maybe they were worried about the future of their practices. But one of them, a young lawyer named Francis Blake, made a long and eloquent closing argument. Eighty years later, when they were old men, boys whose fathers took them to the trial still remembered Blake's address.

"That the prisoners have been tried, convicted, and condemned, in almost every bar-room, and barber's-shop, and in every other place of public resort in the county, is a fact which will not be contested," he told the jurors—all men, of course, sturdy burghers, solemn-faced. Blake reviewed the evidence, pointing out that Halligan and Daley might indeed have murdered Marcus Lyon—and so might many others on that dangerous public highway. Blake's oration makes it clear that in Northampton anti-Irish Catholic bias was not so thoroughly ingrained that it was invisible. He told the jury: "There is yet another species of prejudice, against the influence of which it is my duty to warn you. I allude to the inveterate hostility against the people of that wretched country, from which the Prisoners have emigrated, for which the people of New-England are particularly distinguished."

Blake spoke until around ten o'clock that night. Then the presiding judge addressed the jury. He told them that if they believed the boy from

Wilbraham, they must convict the prisoners, even though, on the face of it, his testimony didn't prove much. The judge also described the boy's testimony as "consistent," even though the record shows it wasn't. Then he sent the jury off to deliberate. According to one contemporary newspaper account, it took them "a few moments" to find Halligan and Daley guilty. Several days later, before another packed house, the presiding justice addressed the convicted men. He spoke to them about the wickedness of their crime, "a crime so horrid and so abhorred by every pure and virtuous mind." He remarked on "the humane indulgence of our laws." Then he said, "It now only remains that we . . . pronounce against you the sentence of the law, which is, that you Dominic Daley, be taken . . . to the place of execution, and that you there be hung by the neck until you are dead, and that your body be dissected and anatomized." He said the same to Halligan. Then the judge raised his voice, apparently: "And may God Almighty have mercy on your souls!"

The convicts languished in the jail again, for months. The high sheriff, General Mattoon of Amherst, made preparations. He spent, in all, \$92.80. Hezekiah Russell built the gallows. The cost for that and for "ropes and cords" was \$9.17. Daley's wife had come to Northampton. She suffered what one chronicler called "convulsions" the night before the hanging. And in the region anticipation mounted. Northampton was a town of only twenty-five hundred then. A crowd of men, women, and children, which may have numbered fifteen thousand—about half of Boston's population at the time—crammed itself into downtown. It was a fine June day. The atmosphere was festive. Daley, the literate one, had written to a Catholic priest, pleading that he come and give them their last rites. The priest was John Louis Lefebvre de Cheverus, later bishop of Boston and later still cardinal archbishop of Bordeaux. He cut an exotic figure in that dirt-street Yankee town. Northampton was still a very religious place, with a single church. Its citizens grew up believing that the pope was an agent of Satan. The keeper of the local inn, Asahel Pomeroy, refused Cheverus a room. Pomeroy's wife later said that she "would not have been able to sleep a wink under the same roof with a Catholic priest." Cheverus appears to have stayed with the prisoners in the jail for several days.

It is almost certain that no Catholic had ever preached in Northampton before. A Protestant minister was hired to deliver the customary sermon to the prisoners. But Cheverus insisted on his duty. On the morning of the hanging he mounted the pulpit in the Old Church and began to speak in what one witness remembered as "a stern voice." Apparently, some windows had been removed, "so that a crowded house

and a vast multitude outside could hear him." A huge and, one assumes, mostly hostile audience surrounded the priest. The text of his sermon has been preserved. He said, in part:

Orators are usually flattered by having a numerous audience, but I am ashamed of the one now before me. Are there men to whom the death of their fellow-beings is a spectacle of pleasure, an object of curiosity? But especially you women, what has induced you to come to this place? Is it to wipe away the cold damps of death? 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, to look upon it with tearless, eager and longing eyes. I blush for you, your eyes are full of murder. You boast of sensibility, and you say it is the highest virtue in a woman: but if the sufferings of others afford you pleasure, and the death of a man is entertainment for your curiosity, then I can no longer believe in your virtue. You forget your sex, you are a dishonor and reproach to it.

Some accounts say that most of the women on hand decided not to go to the hanging after all. One wealthy woman of the town, who did not attend the priest's sermon or the execution, wrote in her diary that Cheverus was "a remarkable Mild Man." He got some other good reviews and was actually invited to preach a few more times. A prominent citizen named Joseph Clark entertained Cheverus in his own home. But one history has it that when Clark's wife died prematurely a few years later and lightning struck his house and burned it down, all of Northampton knew that God had punished him for putting up a papist.

After church, the hanging. A rumor may have spread that Irishmen were coming to liberate the prisoners. In any case, the sheriff took precautions. "The high sheriff came over in the morning on his parade horse, with his aids, [*sic*] all armed with pistols hanging by their saddles, and presented a very imposing appearance," wrote one of the men who'd been a boy back then. Probably the prisoners walked on the dirt roads in front of the sheriff and his men. A company of artillery and a detachment of the militia, all in uniform, followed, raising dust. The parade went uphill from the Old Church, up Main Street and out on what was then called Welch End Way, now West Street, and finally up to the top of Hospital Hill, then known as Gallows Plain or Gallows Hill. There must have been a military band, because one witness remembered there was music and that it was the Death March.

Much of the crowd ran on ahead, vying for vantage points. The spectators covered all of Gallows Plain. "An immense multitude had already

congregated on the Plain," wrote one of the witnesses. Men and boys climbed trees to get a better view. "The pines on the west side of it were filled with spectators. . . . The writer has seldom seen such a mass of human beings together since that day, all the events of which he perfectly remembers. The infantry were drawn up around the gallows, the poor condemned culprits were allowed to say their last words."

Daley had written out a short speech. He read it aloud to the multitude.

At this awful moment of appearing before the tribunal of the ALMIGHTY; and knowing that telling a falshood, would be eternal perdition to our poor souls,

We solemnly declare, we are perfectly Inocent of the Crime for which we suffer, or any other Murder or Robbery; never saw, to our knowledge, Marcus Lyon in our lives; and as unaccountable as it may appear, the boy never saw one of us, looking at him, at, or near a fence; or any of us either leading, driving, or riding a Horse, and we never went off the high road. We blame no one, we forgive every one; we submit to our fate as being the will of the Almighty; and beg of him to be merciful to us, through the merits of his divine Son, our blessed Saviour Jesus Christ.

Our sincere thanks to the Rev. John Chevers, for his long and kind attention to us, as likewise every other friend, that served us, and comforted us during our long Confinement.

When Daley finished, according to one account, he handed the written speech to the high sheriff, who then leaned from his saddle and "with a heavy knife or hatchet" cut the rope that held the drop. ". . . And as the platform fell, one fell much below the other having been allowed more rope according to his request, that his neck might be broken so that he might have a speedy death. His body was dissected a short distance from the present residence of this writer."

The town seems to have quieted down by the following day. Probably it just cleaned up, as after a party, and went back to life as usual. But the story survived through many generations, and, as Irish immigrants acquired local standing, it grew and changed, from a story that two killers got what they deserved to a story that two young Irishmen were in essence murdered here.

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One hundred and seventy-six years after the event—in 1982—a crowd much smaller than the one that watched the two men die gathered

around the monument on Hospital Hill. The little party included a retired fireman of Irish descent who was trying to get the governor to pardon Halligan and Daley. Bill O'Connor was there too, still county treasurer then. And also one Popcorn O'Donnell, who got his nickname as a youth when his date at the Calvin movie theater slipped away while he was fetching popcorn.

For decades Bill O'Connor's generation of Northampton Irish had dominated local politics. They had routed the Yankee Republicans, and were on the way out now themselves. Popcorn had been both an ally and an enemy of Bill's. But the attempt to exonerate Halligan and Daley was one of the last great acts of the old tribe, and Popcorn belonged in the picture. He was fat, florid, and doddering now. Looking at him, Bill O'Connor thought, "Popcorn's had a few." Bill told him to get a grip on the stone and hold on tight. Then he turned to the local TV anchorperson. "Take the picture quick," said Bill. "Because he won't last long."

Bill had arranged the publicity so that Popcorn and the retired fireman would get the limelight, and so that certain others wouldn't. Some of the new Democrats in town were Irish, among them Mike Ryan, who was the district attorney back then. Ryan had wanted to be part of the ceremony. He'd wanted to have his picture taken at it, Bill figured. Bill was afraid that Ryan and another Young Turk would try to hog the credit. So he told them that the TV cameras would arrive at noon. In fact, he'd arranged the ceremony for eleven. The picture-taking was all over when Ryan and the other young Irish politician came running up the hill from their cars. "Oh, Jesus, you're late," Bill told them, sorrowfully. He gestured at the TV crew, who were packing up their gear. "They came early."

Actually, Judge Ryan had a legitimate claim to a part in the ceremony. As a young man, he'd written a play about the trial, dramatizing its egregiousness. Moreover, up in the attic of his house, among his dead father's papers, he had found correspondence and research notes on the case. According to one version of the old story, Halligan and Daley weren't just tried unfairly but certainly were innocent. No actual evidence of that had ever surfaced. Ryan's father, Judge Ryan the elder, had spent a lot of time and effort trying in vain to find some.