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The Trial and Execution of Patrick O'Conner at the Dubuque Mines in the Summer of 1834

[Eliphalet Price, an eyewitness of the hanging, wrote the following account in the early fifties. In October, 1865, the account was published by the State Historical Society of Iowa in the *Annals of Iowa*, from which it is here reprinted. Price's spelling of the name O'Connor has been retained in the article. — THE EDITOR.]

In giving a detailed historical account of the trial and execution of Patrick O'Conner, at the Dubuque mines, in the summer of 1834, we are aware that there are many persons still living who participated in bringing about a consummation of justice on that occasion; as well as many who were witnesses of the stern solemnity attending its closing scene; which may subject this reminiscence to a criticism which we believe will not extend beyond the omission of some minutia, which did not come under our personal observation.

Soon after the treaty between the United States and the Sac and Fox Indians at Rock Island in 1832, which resulted in the extinguishment of the Indian Title to the lands embraced in the present State of Iowa, permanent mining locations and settlements began to be made in the vicinity of the present city of Dubuque; and at the close of the winter of 1834, Congress attached the country acquired under the treaty, to the Territory of Michigan, for election and judicial purposes.

Up to that period no judicial tribunals existed in the country, except those created by the people for special purposes. Difficulties of a civil character were investigated and settled by arbitrators; while those of a criminal character were decided by a jury of twelve men, and, when condemnation was agreed upon the verdict of guilty was accompanied by the sentence. Such was the judicial character of the courts which were held at that time, in what was known as the "*Blackhawk Purchase*."

Patrick O'Conner, the subject of this memoir, was born in the year 1797 in the county of Cork, Ireland, — came to the United States in the year 1826, and soon after arrived at Galena, in the State of Illinois, where he embarked in mining operations. Having fractured his left leg in the fall of 1828, on board of a steamboat, in Fever River, it was found necessary to amputate the limb, which operation was performed by Dr. Phileas of Galena. In this situation O'Conner became an object of public charity. The citizens of Galena, and the mines in that vicinity, promptly came forward and subscribed liberal sums of money for his support and medical attendance and in the course of time he was enabled to get about with the assistance of a wooden leg, when he began to display a brawling and quarrelsome disposition, which soon rendered him no longer an object of public sympathy. In this situation he endeavored to awaken a renewal of public charity in aid of his support, by

setting fire to his cabin in Galena, which came near destroying contiguous property of great value. This incendiary act, and the object for which it was designed, being traced to O'Conner, and exposed by Mr. John Brophy, a respectable merchant of Galena, O'Conner soon after, while passing the store of Mr. Brophy in the evening, fired the contents of a loaded gun through the door with the view of killing Brophy. Failing to accomplish his object, and being threatened with some of the provisions of lynch law, he left Galena and came to the Dubuque mines in the fall of 1833, where he entered into a mining partnership with George O'Keaf, also a native of Ireland. O'Keaf was an intelligent and industrious young man about 22 years old, and much respected by all who knew him. They erected a cabin upon the bank of the Mississippi river, near the present smelting furnace of Peter A. Lorimier, about two miles south of Dubuque; while their mining operations were conducted in the immediate neighborhood.

On the 19th of May, 1834, O'Keaf came up to Dubuque and purchased some provisions, when he returned to his cabin about 2 o'clock in the afternoon, accompanied by an acquaintance. Upon arriving at his cabin and finding the door fastened upon the inside, he called to O'Conner to open it. O'Conner replied:

"Don't be in a hurry, I'll open it when I get ready."

O'Keaf waited a few minutes when he again called to O'Conner, saying: "It is beginning to rain, open the door quick."

To this, O'Conner made no reply; when O'Keaf, who had a bundle in one hand and a ham of bacon in the other, placed his shoulder against the door and forced it open. As he was in the act of stepping into the house, O'Conner, who was sitting upon a bench on the opposite side of the room in front of the door, immediately leveled a musket and fired at O'Keaf. Five slugs entered his breast and he fell dead. The young man who accompanied O'Keaf immediately ran to the smelting furnace of Roots & Ewing, about a mile distant, and gave information of what had transpired. In a short time a large concourse of miners was assembled around the cabin, when O'Conner being asked why he shot O'Keaf, replied, "That is my business," and then proceeded to give directions concerning the disposition of the body. Some person present having suggested that he be hung immediately upon the tree in front of his cabin, a rope was procured for that purpose. But the more discreet and reflecting portion of the bystanders insisted that he should be taken to Dubuque, and the matter there fully and fairly investigated. Accordingly O'Conner was taken up to Dubuque. And on the 20th of May, 1834, the first trial for murder, in what is now known as the State of Iowa, was held in the open air, beneath the wide-

spreading branches of a large elm tree, directly in front of the dwelling then occupied by Samuel Clifton. A large concourse of people had assembled and stood quietly gazing upon the prisoner, when upon the motion of some person, Captain White was appointed prosecuting attorney, or counsel in behalf of the people. O'Conner being directed to choose from among the bystanders some person to act as his counsel, observed: "Faith, and I'll tind to my own business," and appeared perfectly indifferent about the matter. At length he selected Capt. Bates of Galena, who happened to be present, and in whose employ O'Conner had formerly been engaged. The two counsel then summoned from among the bystanders twenty-four persons, who were requested to stand up in a line; when Capt. White directed O'Conner to choose from among those persons twelve jurors. He accordingly chose the following persons, calling each by name:

Woodbury Massey, Hosea L. Camp, John McKensie, Milo H. Prentice, James Smith, Jesse M. Harrison, Thomas McCabe, Nicholas Carrol, John S. Smith and Antoine Loire.

The names of the other two jurors, who were traveling strangers, cannot after a period of thirty years be discovered. It was known, however, at the time of the trial, that six of the jurors were Americans, three of them Irishmen, one Englishman, one Scotchman and one Frenchman. The

jury being seated upon some house logs Capt. White observed to O'Conner, "Are you satisfied with that jury?" O'Conner replied, "I have no objection to any of them; ye have no laws in the country, and ye cannot try me."

Capt. White continued, "You, Patrick O'Conner, are charged with the murder of George O'Keaf, do you plead guilty or not guilty?"

O'Conner replied, "I'll not deny I shot him, but ye have no laws in the country, and cannot try me."

Three or four witnesses were then examined; when Capt. White addressed the jury for a few minutes and was followed by Capt. Bates, who endeavored to urge upon the jury to send the criminal to the State of Illinois, and there have him tried by a legal tribunal. Capt. White replied that offenders had been sent to Illinois for that purpose, and had been released upon "Habeas Corpus," that state having no jurisdiction over offences committed upon the west side of the Mississippi River. After this, the jury retired, and having deliberated for an hour, returned to their seats, upon the logs, with Woodbury Massey as their foreman, who read the following verdict and sentence:

"We the undersigned, residents of the Dubuque Lead Mines, being chosen by Patrick O'Conner, and empaneled as a Jury to try the matter wherein Patrick O'Conner is charged with the murder of George O'Keaf, do find that the said Patrick O'Conner is guilty of murder in the first degree,

and ought to be, and is by us sentenced to be hung by the neck until he is dead; which sentence shall take effect on Tuesday the 20th day of June, 1834, at one o'clock P. M."

Signed by all the jurors, each in his own hand.

There was a unanimous expression of all the bystanders in favor of the decision of the jury. No dissenting voice was heard, until a short time before the execution, when the Rev. Mr. Fitzmaurice, a Catholic priest from Galena, visited O'Conner and inveighed against the act of the people, denouncing it as being illegal and *unjust*. Immediately the Catholic portion of the Irish people became cool upon the subject, and it was evident that they intended to take no further part in the matter.

Up to this time we did not believe that O'Conner would be executed. It was in the power of the Rev. Mr. Fitzmaurice to save him, and he was anxious to do so. Had he appealed to the people in a courteous manner, and solicited his pardon upon the condition that he would leave the country, we confidently believe that they would have granted it; but he imprudently sought to alienate the feelings of the Irish people from the support of an act of public justice, which they, in common with the people of the mines, had been endeavoring to consummate. This had the effect of closing the avenues to any pardon that the people might have previously been willing to grant. They, however, up to this time, would have recognized a par-

don from the Governor of Missouri or the President of the United States. Application was made to the Governor of Missouri to pardon him; but he replied that he had no jurisdiction over the country, and referred the applicants to the President of the United States. President Jackson replied to an application made to him, that the laws of the United States had not been extended over the newly acquired purchase, and that he had no authority to act in the matter; and observed, that as this was an extraordinary case, he thought the pardoning power was invested in the power that condemned. A few days before the execution, a rumor got afloat that a body of two hundred Irishmen were on their way from Mineral Point, intending to rescue O'Conner on the day of execution. Although this report proved not to be founded in truth, it had the effect of placing the fate of O'Conner beyond the pardoning control of any power but force. Runners were immediately dispatched to the mines to summon the people to arms; and on the morning of the 20th of June, 1834, one hundred and sixty-three men, with loaded rifles formed into line on Main street in front of the old "*Bell Tavern*," where they elected Loring Wheeler Captain of the Company, and Ezra Madden, Woodbury Massey, Thomas R. Brasher, John Smith and Milo H. Prentice, Marshals of the day. The company being formed six-a-breast, marched slowly by a circuitous route to

the house where O'Conner was confined, while the fife breathed in lengthened strains the solemn air of the Dead March, accompanied by the long roll of the muffled drum. The stores, shops and groceries had closed up their doors and life no longer manifested itself through the bustling hum of worldly pursuits. All was silent as a Sabbath morn, save the mournful tolling of the village bell. Men whispered as they passed each other, while every countenance denoted the solemnity and importance of the occasion. Two steamers had arrived that morning from Galena and Prairie Du Chien, with passengers to witness the execution. The concourse of spectators could not have been less than one thousand persons.

The company having marched to the house occupied by O'Conner, now owned by Herman Chadwick, halted and opened in the center, so as to admit into the column the horse and cart containing the coffin. The horse was driven by William Adams, who was seated upon the coffin, and was employed as executioner. He had on black silk gloves, and a black silk handkerchief secured over and fitted to his face by some adhesive substance, which gave him the appearance of a negro. The Marshals soon came out of the house, followed by O'Conner and the Rev. Mr. Fitzmaurice. The two latter took a position directly behind the cart, while the former mounted their horses and rode to the front of the column, which now moved

slowly to the smith-shop of Thomas Brasher, where the irons were stricken from O'Conner by Henry Becket. Our position in the column being in the front rank, following the priest and O'Conner, we were enabled to observe the bearing of the latter. He seemed to have abandoned all idea of being released, and was much distressed, wringing his hands and occasionally ejaculating detached parts of some prayer, "Will the Lord forgive me?" he would frequently ask of Mr. Fitzmaurice, who would reply, "Whosoever believeth in the Lord Jesus Christ shall be saved," together with other like scriptural expressions. After he returned from the smith-shop, the Captain of the company desired him to get into the cart, when the priest observed, "No, I wish to talk to him; let him walk." Capt. Wheeler replied that he had orders to place him in the cart; but would go and state his request to the Marshal. Accordingly he advanced to where Mr. Madden was sitting upon his horse, who observed in a loud tone of voice, "No; if that gentleman wishes to talk with him, let him ride upon the cart with the murderer." This was spoken harshly and contemptuously by Mr. Madden, who, we learned afterwards, was deeply offended at some remarks previously made by Mr. Fitzmaurice concerning himself, and imprudently took this opportunity to retaliate, which we have reason to believe he afterwards regretted.

The Captain of the company delivered the mes-

sage as he received it, though in a more pleasant tone of voice. Fitzmaurice bowed respectfully to the message, but made no reply. O'Conner being now seated upon the coffin, the column commenced moving forward, to quarter minute taps of the drum, and arrived about twelve o'clock at the gallows, which was erected on the top of a mound in the vicinity of the present Court House. The company here formed into a hollow square, the cart being driven under the arm of the gallows, at the foot of which the grave was already dug. The Captain immediately ordered the company to ground arms, and uncover. Even many of the spectators removed their hats, while the priest offered up, in a clear and distinct tone of voice, a fervent and lengthy prayer, parts of which were repeated by O'Conner, who, at the close of the prayer, addressed a few remarks to the people, saying that he had killed O'Keaf, that he was sorry for it, and he hoped that all would forgive him. Then pausing for a moment, he observed, "I wish Mr. Lorimier and Gratiot to have my—" here he was interrupted by the priest, who observed, "Do not mind your worldly affairs; in a few minutes you will be launched into eternity; give your thoughts to your God." The hangman now spoke to O'Conner and assisted him to reascend the cart, when he adjusted around his person a white shroud; then securing his arms behind him at the elbows, he drew the cap over his face,

fixed the noose around his neck, and lastly, he removed his leg of wood; then descended from the cart, and laid hold of the bridle of his horse and waited for the signal, which was given by one of the Marshals, who advanced into the open area, where he stood with a watch in one hand and a handkerchief at arm's length in the other. As the hand of the watch came around to the moment, the handkerchief fell, and the cart started. There was a convulsive struggling of the limbs for a moment, followed by a tremulous shuddering of the body, and life was extinct. The body hung about thirty minutes, when Dr. Andros stepped forward, felt of his pulse, and said, "He is dead." The body was then cut down and placed in the coffin, together with his leg of wood, and deposited in the grave. The company now marched in single file to the front of the Bell Tavern, where a collection was taken up to defray the expenses, when the company was disbanded. Immediately after this, many of the reckless and abandoned outlaws, who had congregated at the Dubuque Mines, began to leave for sunnier climes. The gleam of the bowie knife was no longer seen in the nightly brawls of the street, nor dripped upon the sidewalk the gore of man; but the people began to feel more secure in the enjoyment of life and property.

ELIPHALET PRICE