

## THE "MOLLY MAGUIRE" TRIALS.

THE coal-mines of Pennsylvania are probably indispensable to the prosperity of the country. But, without malice or prejudice, it may be safely declared that the elimination of a large proportion of the people inhabiting those regions might be borne by their fellow-countrymen with equanimity. The chief business of the employers of labor there is to enter into nefarious conspiracies for the purpose of fastening an extortionate tax for their own benefit upon the industry and enterprise of the country at large; the chief business of the employed is to engage in "strikes," and to commit crime. The people of the United States, who are mulcted and victimized by each class in turn, have little reason to love either, and might have watched the internecine strife waged of late years between the two with a certain grim philosophy and impartiality of feeling, had it not assumed so bloody and revolting an aspect upon the part of the laborers. But the utterly brutal manner in which these wretches have sought to get the better of the tyrant caste has treated a sympathy for the latter. A combination to exact unjust prices, pursuing the forms of law, is certainly much more in accordance with the spirit of the age than an association having for its chief object burning, beating, and assassination. In 1875 these anthracite districts had become one vast Alsatia. From their dark and mysterious recesses there came forth to the outside world an appalling series of tales of murder, of arson, and of every description of violent crime. It seemed that no respectable man could be safe there, for it was from the respectable classes that the victims were by preference selected; nor could any one tell from day to day whether he might not be marked for sure and sudden destruction. Only the members of one calling could feel any certainty as to their fate. These were the superintendents and "bosses" in the collieries; who could all rest assured that their days would not be long in the land. Everywhere and at all times they were attacked, beaten, and shot down, by day and by night; month after month and year after year, on the public highways and in their own homes, in solitary places and in the neighborhood of crowds, these doomed men continued to fall in frightful succession beneath the hands of assassins.

The condition of things was like that which has occurred so often, at irregular intervals, in the melancholy history of Ireland. The shootings and the burnings of the Whiteboys and of the Ribbonmen were reproduced with terrible energy and success upon this side of the Atlantic; and for a time it seemed that the disease was more incurable in its American, than it had been in its Irish, development. For the strong repressive force of an active and powerful dominant caste, and of military surveillance, were wanting in Pennsylvania. On the contrary, as will be seen, the perpetrators of the outrages in this country were a political power as well as a social terror, and seemed not unlikely to obtain control of all that machinery and organization of justice which alone could be relied upon to control them. Otherwise, the parallel was complete. Amid the numerous class to which the criminals belonged, they were sure not only of shelter and protection, but of honor and distinction, in proportion to the heinousness of their villany. A system of signals aided their escape upon the few occasions when escape was thought to be worth while; a host of ready perjurers stood ready to prove an *alibi* in the improbable event of a capture and trial; while amid multitudes who were cognizant of various stages and circumstances of the guilty act, it was not often that a single one could be discovered to bear witness for the government. By a natural progression the state of affairs grew rapidly worse, until the whole district appeared to be upon the verge of a riotous outbreak, which would readily have become the chronic and normal condition of the neighborhood.

The sober and peace-loving members of the community within and around the tormented region gazed with ominous forebodings at the spectacle before them, and scarcely ventured to speculate when or how the end would be, when suddenly they were gladdened by a series of arrests, and by the rumor that for many months a detective had been secretly and successfully circulating through the social layer wherein the mischief dwelt. Respectable men began to breathe more freely; and with good reason, for their rescuer had now reached the last stage of his work. It was to the admirable perseverance and enterprise of Hon. Franklin B. Gowen, President of the Philadelphia and Reading Coal and Iron Company, and to the vigor, courage, and skill of the man employed by him, that this distinguished achievement was attributable. The

debt which the coal counties owe to these men cannot be over-estimated, nor can the personal qualities of untiring resolution, daring, and sagacity, in both principal and agent, be too highly praised. Together they accomplished one of the greatest works for public good that has been achieved in this country and in this generation.

The story, as it was developed at the trial of the case of the *Commonwealth v. Kehoe and Others*, is now to be narrated. Eleven defendants were named in the indictment, of whom two escaped, and nine were taken and brought to trial. They were charged with an aggravated assault and battery, with intent to kill, committed upon William M. Thomas. The trial was had in the Court of Quarter Sessions for Schuylkill County, Pennsylvania. But since the interest of the tale does not centre in the question of the guilt or innocence of these especial defendants, whose criminality indeed no one ever doubted from the outset, but in setting forth a sketch of the whole subject-matter, there will be occasionally included extracts from the trial of Thomas Munley for the murder of Thomas Sanger, a mining "boss," which trial took place in the same county a few months earlier.

Both of these crimes were as simple as they were barbarous; for there was no skill, ingenuity, or refinement about the deeds of these ignorant miners. William M. Thomas was standing in a stable one morning, when four men appeared at the door and fired at him rapidly with pistols. They left him for dead; but he was only severely wounded, and recovered to bear testimony against some of them. The case of Sanger was more affecting. He was a mining "boss," a young Englishman. As he went out to his work, early in the day, five men confronted him and began firing at him; he turned to escape to the shelter of the house close by, but was intercepted; he stumbled and fell. The murderers came up, still firing into him, and one of them coolly turned him over upon his back, so as to take a more sure aim at a vital spot. Startled by the reports, his employer, a Mr. Robert Heaton, ran out towards him; but the bleeding man cried out, "Never mind me, give it to them, Bob!" His wife also rushed from his house and stooped over him. "Kiss me, Sarah, for I am dying," said he; and these were, indeed, his last words. Mr. Heaton gallantly obeyed the request of his slaughtered servant, and pursued the retreating murderers, firing at them, whilst they occasionally faced

about. He thought that some of his bullets took effect, though none of the men fell; but if this was doubtful, he was at least able to secure vengeance in another way, for he came upon the stand in this trial to identify Munley as one of the gang; and his evidence was all-important.

It was in the summer of 1873 that application was made to Major Allan Pinkerton, the head of the National Detective Agency at Chicago, to detail a fit man for the perilous task of tracking the criminals in the disturbed counties. The selection fell upon one James McParlan, an Irishman by birth, about thirty years of age, who had come to this country in the spring of 1867. He appears to have been born and bred in the middle, or what may be more accurately described as the lower-middle, class, and had led a somewhat roving life. His experience as a detective had not been long. He had been in the employ of one Baubien for nearly two years, from 1866 to 1868, and had served Major Pinkerton only since the spring of 1872. It is said that he was subjected to a series of severe and somewhat odd tests of his capacity before he was actually put at work in this business; that, with a view to making sure of his accuracy and powers of observation, he was sent to the coal regions, and directed to report daily upon all kinds of meaningless matters,—the number of men passing over a certain bridge within a certain time, the number of miners frequenting a certain saloon on a certain day, and how many drinks they took, and a great variety of similar apparently petty details. He acquitted himself with remarkable success upon this "trial trip," and the bargain securing his services was accordingly struck. He was to receive his expenses, and, in addition, the fixed salary of twelve dollars per week, so long as he should be engaged in this duty; he was to be entitled to no increase or reward in the event of a success however brilliant, to suffer no deduction in case of a total failure; he was to make daily reports in writing to his superior officer, covering every matter, however minute, which should come within his knowledge during the day. The advantage of this rule was abundantly proved in the opportunity which it subsequently afforded him to secure his memory against the pit-falls of cross-examination.

It was well known that the crimes which it was designed to ferret out were conceived and executed by the members of a numerous and powerful association, commonly called by the famil-

iar and dreaded sobriquet of Molly Maguires. The name and the organization were nothing new, both having come down by direct descent from the Ribbonmen of Ireland. When those breakers of the peace started out upon any of their forays against the Saxon landlord or his agent, they were accustomed to dress themselves as women; hence the Celtic feminine appellation. The association had been brought to this country by immigrants, and had flourished amid the race which brought it. The foreign connection was still cherished, and the true head of the whole fraternity was the Board of Erin in Ireland. From this source emanated the secret signs and passwords of the brethren, and "toasts," which were called "goods," and were sent over from Ireland and distributed to the members every three months. A national delegate and a president lived in New York, beneath whom there were distinct branches in the several States. In Pennsylvania, the body had even acquired a charter, under the title of the Ancient Order of Hibernians. This instrument declared the purposes for which the order was established to be "to promote friendship, unity, and true Christian charity among its members; and, generally, to do all and singular the matters and things which shall be lawful to the well-being and good management of the affairs of said association." The preamble to the constitution and by-laws, adopting the same language, declared that this promotion of friendship, &c., was to be sought "by raising or supporting a stock or fund of money for maintaining the aged, sick, blind, and infirm members, and for no other purpose whatsoever." A couple of stanzas of pious doggerel followed:—

"These laws, though human,  
Spring from love divine;  
Love laid the scheme, —  
Love guides the whole design.

"Vile is the man  
Who will evade these laws,  
Or taste the sweets  
Without sufficient cause."

It was further recited, that "the Supreme Being has implanted in our natures tender sympathies and most humane feeling towards our fellow-creatures in distress; and all the happiness that human nature is capable of enjoying must flow and terminate in

the love of God and our fellow-creatures." The articles then proceeded to establish an elaborate mechanism of officers, and to lay down and enforce by fines some excellent rules of conduct. For coming to a meeting in a state of intoxication, the penalty was one dollar; and in the possible contingency that a member should "swear an oath" in the Division-room, he must be "fined the sum of fifty cents for each offence." No person was eligible to membership unless he should be Irish, or of Irish descent, a Roman Catholic himself, and born of Roman Catholic parents, and "of good moral character."

But, in justice to Catholicism, with which these criminals have been very improperly and unjustly associated in the minds of some persons, it should be said that no such unholy connection exists. Mr. Gowen's statement on this point was explicit and forcible, and, though made in argument, may be inserted here by anticipation: "I desire to say to you," said he, that these men "have been denounced by their church and excommunicated by their prelates; and that I have the direct personal authority of Archbishop Wood himself to say that he denounces them all, and that he was fully cognizant of and approved of the means I took to bring them to justice. And, for myself, I can say that for many months before any other man in this world, except those connected with the detective agency, knew what was being done, Archbishop Wood was the only confidant I had, and fully knew of the mission of McParlan in this whole matter. So much, then, for the assumption of Mr. L'Velle, that these men claim sympathy on account of their being Catholics."

The Association mustered strong at the polls, and played an audacious part in the distribution of public offices. Many a position of trust was filled by a Molly Maguire, elected by the suffrages of his abominable associates. Members of the order were county commissioners, high constables, chiefs of police. In this very county of Schuylkill one of them, occupying the position of county commissioner, was building an addition to the jail; another had been candidate for a judgeship of the same court before which Munley was tried, and narrowly failed of election. Verily the jeopardy was extreme: with Molly Maguires to commit murders, with other Molly Maguires set to catch them, others to hold them in confinement, others to draw the juries to try them, others to act as witnesses to prove an *alibi*, and still others to pre-

side at the trial, — a condition of things was nearly consummated which would render it very reckless for any person, not belonging to the criminal Association, to live in that part of the country. Moreover, so soon as it became a political power, the order at once also became respected and courted by politicians; so that ere long the Mollies came to exercise a considerable influence in the State. No wise governor could be expected to make these well-organized wretches his enemies; and so it came to pass that in the rare and unusual event of a Molly actually being pursued successfully through all the protections which the Association threw around him, and being convicted and sentenced, he still had a last, and by no means a forlorn, hope in the gubernatorial power of pardon. Shameful and incredible as it may seem, it is nevertheless unquestionable, that again and again had this power been exerted to release men whose only claim to the favor was the fact that they were prominent in an organized association of criminals.

McParlan, having come into the disturbed region under the assumed name of James McKenna, travelled up and down there for a short time, making himself acquainted with the topography and people, and especially with the members of this charitable body. In due time, having gathered a sufficient knowledge, he caused himself to be proposed for membership; and, in the face of the pure and virtuous articles of the constitution, he ventured to suggest the singular credentials, that he had lately killed a man in Buffalo, for which laudable achievement he was now a fugitive from the hangman; homicide, however, was only incidental with him, he confessed, for his favorite occupation was to "shove the queer." As an occasional murderer and a professional counterfeiter he not only secured a warm and ready welcome to this loving fraternity, but was deemed worthy of more especial trust and honor. Official distinction was conferred upon him, in the shape of the secretaryship of a Division; and, when he had happily attained this position, he found himself admitted to the inmost councils of the local organization, and able to learn all their secrets and designs.

In the latter part of May McParlan met John Kehoe, who combined with the private office of county delegate of the Mollies the public function of high constable of a great borough. With this prominent personage McParlan had some talk, in the course

of which Kehoe remarked that things were in a bad way at Mahanoy City; that the Modocs were raising the mischief there; that he had a mind to call the Molly Maguires together, take them down to Mahanoy and have them challenge the Modocs to come out to fight. If the Modocs would not come, then the Mollies might shoot them down at sight in the streets in the daytime. But reflection showing that there were objections to this plan, Kehoe finally abandoned it, and determined to call a meeting for consultation. This was convened on June 1; several of Kehoe's co-defendants, with McParlan, all save one being office-holders in the Association, were present. There was not much formality observed; but an executive capacity was manifested, which might set an example to more respectable gatherings. Kehoe simply stated that the Modocs had tried to shoot Dan Dougherty, and commit other outrages. Dougherty, a Molly, who had lately been arrested on a charge of shooting George Major, was sent for. He readily appeared, showed some bullet-holes in his coat, said he believed that Jesse Major had shot at him, and "allowed," that, if the Majors and "Bully Bill" were put out of the way, he would have peace. He then withdrew; and the conclave proceeded to arrange for putting the Majors and Bully Bill out of the way, with the charitable and fraternal purpose of securing peace for Dan Dougherty. Two of those present, Donahue and Donnelly, agreed to attend to the Majors. Kehoe then stated that it devolved on McParlan, O'Brien, and Roarity to take charge of William M. Thomas, *alias* Bully Bill. Kehoe, who seems to have been a very dashing fellow, advised walking openly up to the victim upon the street in the broad daylight, and there and then shooting him down. But those who had to perpetrate the deed inclining to be somewhat more chary of exposure, it was determined to bring up some men from another neighborhood, not so well known in Mahanoy City, to do the deed. This was finally agreed to, as being in accordance with the customary tactics of the Association, which was wont to have its crimes committed by men unknown in the immediate vicinity, and consequently less liable to be recognized.

A meeting of the Shenandoah branch was therefore promptly gathered in order to select the murderers for Bully Bill. McParlan, as secretary, issued the summons. In the arrangements which ensued he found that he was expected to assume the lead-



ing part in the commission of the deed. Three other men—Gibbons, Doyle, and Hurley—were detailed to go with him, and they were to set out forthwith. McParlan, however, had no idea of permitting the crime to be actually accomplished on this occasion, and when the four came to Mahanoy, he suggested that it would be unsafe to carry out the plan just at that time, because of the untoward presence of several soldiers who were patrolling the streets and keeping most vexatious good order. The conspirators, egotistically asserting that the life of any one of them was "worth a hundred such as Thomas's," listened to this warning, and returned home. But the attempt was only postponed, not abandoned; and a few days later, about June 10 to 12, the murderers were again in motion, McParlan, however, making some excuse for not going along with them. The other three, arriving at Mahanoy without him, found quarters there, and patiently awaited their opportunity, the detective all the while keeping constantly informed as to their movements.

It was not until June 28 that circumstances favored the murderers. McParlan at the time was ill at Shenandoah; and, though well aware that the crime was about to be consummated, he declared that it was impossible for him to report the fact to the members of the police and detective force with whom he was accustomed to be in frequent, generally in daily, communication. The only reasons given for his abstention from any effort to save Thomas were his illness, and the danger or even impossibility of trying to communicate with his confederates, by reason of the keen lookout maintained by the Mollies at this juncture. He was bitterly assailed for this reticence by the counsel for the defendants, who represented him to the jury as having deliberately given over the victim to the slaughter. But the sufficiency of his excuse must be believed, since the forewarning which he was to furnish to his superiors of any scheme for the commission of an act of violence was an essential part of the plan which had been contrived for the detection of the crime and the capture of the criminals.

He had stipulated at the outset that he should not be called as a witness in any trial which might result from his discoveries, that his agency should not be in any way brought to light, nor his true character ever be disclosed; otherwise, his life could never again be safe, and his future usefulness as a detective would

be seriously impaired. The preservation of his incognito was of the first importance to him. Since, therefore, no use could be made of his testimony, it was necessary to procure testimony from some other quarter, or the mere accurate foreknowledge of the designs for committing any number of successive specific crimes would be of no avail for breaking up the guilty combination. It had accordingly been planned that McParlan should give such information as would lead to the capture of the conspirators in the very commission and act of crime, and if it should so chance that he should be with them, he also was to be captured. As an especially dangerous character, he was to be taken charge of by the leader of the capturing force, and was then to be collusively permitted to make his escape. So punctiliously was this agreement with him carried out, and so cautiously was his secret guarded, that it was only known to certain chosen members even of the detective force. The subalterns thought him to be a genuine Molly, and of a dangerous stamp, and often so reported him at headquarters. Many a time, as he testified, when some villany had been concocting, had he given information, and many a night had Captain Linden and his assistants "lain out" on the watch. But circumstances had as often disappointed them, and no capture had yet been made. His mission was far from being safe or agreeable; he was living with the lowest and poorest classes, as one of themselves; a breath of suspicion would insure his destruction; he had been long at work, and his employers might soon grow discontented. Certainly there is no reason to suppose that he was not acting in perfect good faith, and that he would not have been heartily glad to have had the long-awaited success achieved, without further risk, delay, and anxiety. When, therefore, he says that to give notice was impossible, he must be believed.

But whether with or without the detective's fault, certain it is that no friendly band was on the watch to preserve the life of Bully Bill, when, on the morning of the twenty-eighth day of June, the four assassins came prowling around his quarters, intent upon his destruction. It was about half-past six o'clock, and Thomas was standing in a stable, talking to the "stable-boss," very near to the door, and having his back to it, when the men appeared at the door, and began pouring in upon him a rapid fire from their pistols. The first shot struck him in the

neck, and as he turned and jumped towards his assailants, he came to such close quarters that he actually seized the muzzle of one of the revolvers which was pointed at him. He was hit four times; a horse was killed, and another horse wounded. Thomas fell with one of the brutes, and sheltered himself behind the body. The assailants, knowing that their victim was hit, and seeing him go down, covered with blood, were confident that he was killed, and withdrew, highly gratified with the successful issue of their venture. It was by a very narrow difference that the actual result fell short of that which they had anticipated. One of the bullets passed within less than a quarter of an inch of Thomas's jugular vein. But the slender space was sufficient to save the man's life, and he appeared at the trial to identify one of the assailants.

The assassins, hurrying homeward, came "wet with sweat" into Shenandoah, where they met McParlan, and told him how they had shot Bully Bill. One of them — a marked man, and in fear by reason of other charges — thought it best to abscond. In virtue of this, by no means his first good service to the Society, he not unreasonably considered himself to have established a claim for money upon his fellow-members. But it must be acknowledged that the recognition of his deserts was somewhat niggardly on the part of an Association which was wont to pay pecuniary rewards for a good "clean job" of killing. Kehoe would only give him a dollar and fifty cents, which seemed "very mean;" he got two dollars, however, from another man, borrowed a horse and wagon to go to the railway station, and there took the cars for Wilkesbarre. Three dollars and a half and the loan of a vehicle certainly does seem a cheap price for a murder, and almost awakens sympathy for the man so ill paid. But the truth was, that the affair had proved a fiasco for all concerned; Thomas alone having any reason to congratulate himself upon the result. Kehoe was much disgusted that an intended murder had degenerated into nothing worse than a serious and not fatal wounding. McParlan and his principals seemed to have lost the chance to catch their game in such a way as to have testimony against them; and, in the end, the perpetrators had to suffer, without having enjoyed the satisfaction of success. Apparently McParlan's task was as far as ever from being accomplished. Yet the knowledge which he had been able to convey was not

altogether useless, since it led to some arrests, though not quite in the shape desired. The purpose was to detect the criminals, one or more, under such circumstances that the whole character and working of the Association could be shown up, its secrets betrayed, and a definite stigma set upon it. The capture and even the conviction of individuals at whose trial there could be shown nothing more than the commission of an ordinary act of violence, were altogether insufficient. Still, when such captures could be made, they were not neglected; and it so happened that in February, 1876, two men had been seized upon suspicion, and there was to be a hearing upon their application for the writ of *habeas corpus*.

It was just about this time that, in some unexplained way, rumors began to circulate to the effect that "McKenna," as he was called, was a detective. The alarming news of this suspicion was brought to McParlan by a comrade, also a member of the Association, who said that bets had been laid that McKenna would appear as a witness against the prisoners. During the next few days the suspected man had a fine opportunity to shew of what stuff he was made. Among the wretches who now began to regard him as their betrayer, there was probably not one who would hesitate an instant to take his life. If there was glory and bounty for an ordinary murder, what substantial profit and high distinction would be reaped by him who should succeed in immolating the most dangerous and treacherous enemy whom the Order had ever had! The bravest man could have no nerve to spare in such an emergency!

McParlan was not wanting in self-possession and courage, and many a man has sent his name down to a remote posterity by incurring a much less trying risk of self-sacrifice. In company with several members of the Order, he at once returned to Shenandoah, to his old quarters, and, on the following day, went straight to Kehoe, who had been very busy in warning the Mollyes against him, demanded a trial by the Society, and challenged his accusers to produce their proofs. Kehoe agreed to his request for summoning a county convention, and even asked McParlan to write the calls to the several Division masters, being himself too nervous to do so. McParlan, who was not at all troubled with nervousness, accordingly penned the despatches announcing his own trial upon so grave an accusation.

Intimations and threats now came rapidly to his ears. He was told, very significantly, that the brethren thought that they must "take action upon him." He coolly replied that he had already arranged to take action upon himself; that he insisted upon a trial, and proposed to make his traducers suffer handsomely. Up to and upon the day previous to that fixed for his trial he was still mingling intimately with these men, eating and drinking with them, and sleeping in their houses. Suddenly, at this eleventh hour, he heard that there was a story afloat to the purport that his trial was only a pretext, artfully arranged by himself, for the purpose of getting together in conclave all the chief men, and then bringing the Coal and Iron Police upon them, and capturing them all in the hall. Captain Linden now thought that the jeopardy was getting entirely too imminent, and expostulated with McParlan upon remaining longer in the neighborhood; but McParlan insisted that he would go on, and that no police should be allowed to show themselves. "I believe," said he, with his stubborn self-reliance, that "I can fight them right through, and make them believe that I am no detective."

But Captain Linden was right, and McParlan soon found out that he was not likely to be tried the next day, for the excellent and sufficient reason that he was not likely to be alive at that time. Many symptoms which his observant and experienced eye noted upon every side showed that he was a marked man, and that his fate was close at hand. In the dark evening he felt obliged to make one of his companions walk in front of him along the street, alleging as a reason that "his eyes were bad and he could not see." His eyes were good enough, however, to note that sentinels were posted; that signs and passwords were exchanged; and that some of the men were very nervous and became peculiarly agitated when addressed by him. A thousand symptoms showed that the Mollies were excited, and were on the eve of an enterprise which they deemed of even more than usual importance and danger. The next morning a couple of Mollies came in, one drunk and the other feigning drunk, and, in reply to a question, gave an obviously false account of themselves. McParlan went out and got a horse and sleigh to go to see Kehoe. His friend, who had first warned him of the suspicions against him, got in with him. The two other Mollies got into another sleigh, and drove along behind them.

"Look here," said this friend, "you had better look out, for that man who is riding in that sleigh behind you calculates to take your life." This pleasing intelligence was further supplemented by the explanation of a plan laid by Kehoe for the assassination of McParlan the night before. The murderers had been ready with their weapons at the appointed spot upon the road. But McParlan had been too shrewd to take his usual route, and so had escaped. To all this McParlan's only reply was, "I do not give a cent; I am going down to Kehoe's;" and straight on to Kehoe's he went. Quite a crowd was assembled there, and they were much taken aback by McParlan's daring appearance among them. It was soon whispered to him that some of them were for killing him, then and there, without more ado; that one man was trying to borrow a revolver to shoot him down at once. But the man was drunk, and "not a good hand at that kind of business," so that the cool McParlan was not much disturbed. For some reason or another the trial failed to come off, the triers being probably too much discomposed by anxiety and alarm. McParlan got into his sleigh to go home again; but on his way back with the friend who had so often warned him, and who had repeatedly promised to stand by him in this matter, he was persuaded, though much against his will, not to return to his own boarding-house, but to sleep with his friend. Had he not allowed himself to be thus persuaded, he would doubtless have dared his fate too far, for there were men after him that night at his own house, and he could hardly have escaped had he gone there.

McParlan now began to feel that the end of the game was approaching. He saw Captain Linden, and told that gentleman that the Mollies "had had a peep at his hand, and that the cards were all played." Yet he agreed to go amongst them once more, the Captain undertaking to "keep a close shadow" upon him. Not much came of this last expedition, however, beyond giving McParlan a further opportunity to exhibit his keenness of observation, his coolness, and courage. There was nothing more which it was possible for him to do; and the next morning he left the neighborhood for good.

This premature conclusion of the detective scheme, unlooked for as it had been and unwelcome as it at first appeared, was in reality the most fortunate event possible. Practically, the mask

was torn off. There was now not a Molly who did not fully believe in McParlan's real character, — who would not be ready to shoot him at sight. To preserve an incognito longer was futile, — nay, the safest thing for himself was doubtless to have the Association thoroughly shattered, and the direst possible terror stricken into the hearts of the members. His immunity from vengeance depended upon their panic and utter demoralization. By his testimony alone could this end be secured. The agreement that he should never be called as a witness being no longer of value for his protection, was cancelled by his consent, and he went voluntarily upon the stand, and gave substantially the facts thus far narrated. Thus it was that a full and perfect exposure of the whole guilty organization was at last accomplished.

Such, at least, would appear to be the true history, as the same is to be gathered from the report of proceedings at the trial of Kehoe. But there is a story told somewhat different from this, and not quite consistent with it, for the accuracy of which we cannot vouch. This is to the effect that McParlan so far regained the shaken confidence of the Mollies as to be again consulted by them as a friendly counsellor in their troubles. He is even reported to have advised the prisoners as to whom they should retain to defend them, and as to the best points which they could make in their defence. By his superior intelligence he had gained great influence with them, so much so that they deemed him capable of astonishing achievements in their behalf. So strong was this feeling, that, when he was called to the stand by the prosecuting attorney, as the first witness for the government, the dense crowd of Mollies who packed the court-room smiled and chuckled with obvious triumph, for they thought that "McKenna" had gallantly come to the rescue, and would, in some astute and daring way, destroy all chance of the District-Attorney securing a verdict. But when, in reply to the usual question as to his name, he replied, "James McParlan," the unfamiliar sound brought instant conviction of the truth to his auditors. A deep and universal groan ascended from the disheartened mass, who now recognized that the fate of the prisoners was sealed beyond doubt or hope.

Beyond what has been narrated the prosecutors adduced little matter of novelty or interest. Bully Bill undertook to identify one of the prisoners, Gibbons, as the man who shot him in the neck.

Francis McHugh, a defendant, corroborated the testimony of McParlan as to most of the proceedings taken at the meeting at which it was determined that Bully Bill and the Majors "should be put out of the road." The witness very frankly acknowledged that to give his testimony seemed to him to be the best defence he could make; that he expected less punishment than he should otherwise have suffered; and that, in his opinion, it would have been better for the interest of his comrades in the dock if they had all pleaded guilty.

The warden of the Schuylkill County jail had a few significant and interesting words to say. During another trial of some Mollies for the murder of the policeman Yost, the warden had had a chat with Kehoe in his cell, in the course of which the prisoner had remarked, "I think it will go rough with us too. I do not think that we will get justice;" but he cheerfully added, "let them crack their whips. If we don't get justice, I don't think the old man at Harrisburg will go back on us." The counsel for the defendants strongly objected to the admission of this testimony, on the ground that it could not bear upon the question of the guilt or innocence of the accused. The government counsel insisted that, so far as Kehoe was concerned, who, of course, alone could be affected by it, the language was equivalent to an admission of guilt. It was evidence showing that he knew himself to be guilty, and believed that he could not be acquitted. The judge declined for the present to strike out the testimony, promising to both counsel an opportunity to be heard before the question should be finally decided. What was the ultimate ruling of the court does not clearly appear from the printed report of the trial.

McParlan's evidence was corroborated in sundry particulars by various witnesses besides McHugh, but chiefly in small points of detail. Upon substantially the foregoing facts the prosecutors rested their case.

The opening for the prisoners failed to disclose any other grounds of defence than a general onslaught upon the government witnesses, and especially upon McParlan. The counsel gallantly declared that he should show that this main pillar of the government case was a very broken reed indeed; that McParlan had contradicted himself continually; that he was an instigator of crime; an accomplice with the accused men; and altogether an



uncommonly bad and odious villain. But no affirmative evidence of innocence was promised on behalf of any one of the arraigned band. Even this programme, dangerously weak and unsatisfactory as it appeared, was very imperfectly fulfilled. The impression conveyed by the printed report of McParlan's testimony is eminently favorable to his clearness and accuracy. He seems to have stood the test of a severe and searching examination with a degree of straightforward readiness, really quite remarkable in view of the minuteness of the interrogation. The points of contradiction can hardly be set forth in detail; but as each one of them by itself was insignificant, so we should place upon the entire collection precisely the same valuation which was placed upon it by the jury, — to wit, no value at all.

A great number of witnesses were called to prove the good character of the accused; but so singular was the testimony adduced by these persons, that the prisoners might well have prayed to be preserved from their friends. Probably a more ignorant gang never passed in ludicrous procession through a witness-box. Very few of them were capable, even after elaborate instruction, of deriving an idea from the word "reputation." "I never saw much out of the way," said the first one, speaking to the character of Kehoe. "What did the *people say* about him for peace and good order in the community where he resided?" asks the counsel, encouragingly. "Well, I cannot exactly tell you," replies this foggy-minded auxiliary; "I do not know much about the affair; I believe people talked about him having been so and so, but then I never knowed any thing myself." Under the less friendly hands of the government counsel the man admitted that he had seen Kehoe engaged in scuffles, and "tight," and that he (Kehoe) kept the headquarters for the Molly Maguires. Witness number two had never heard people talk much about Kehoe, but had heard some say he was a good citizen, and others say that he was a Molly. Witness number three had heard nothing against him except that he was a Molly. Witness number four said that he knew nothing about Kehoe, and that, outside of his own ignorance, he must admit that Kehoe's reputation was bad. Witness number five said that Kehoe kept good order, so far as he had seen, but was "blamed for a Molly." Witness number six testified dubiously: "As far as good order is concerned, that is all right; so far as good order is concerned, I do not know any

thing against him ; as far as reputation goes, that is rather bad." No amount of manipulation could bring this unfortunate Hibernian up to the mark ; he still persisted in repeating : " As to his conduct, that has always been good, but as far as the reputation goes, I never did hear much good." Witness number seven impartially acknowledged that " some will say good, and some will say bad." Number eight had heard hard things said against Kehoe for being a Molly, but he himself didn't know much against the Mollies. Number nine did a little better, saying that Kehoe's reputation was " pretty good," and that he had never heard that Kehoe was a Molly. Such were some of the cheerful fragments of the evidence which was intended to sustain the good character of John Kehoe. If his own counsel could listen to it with equanimity, the prosecutors were certainly not tempted to be very keen in raising questions as to admissibility or competency.

Fortunately for the other prisoners, they had either better names or more clear-headed friends, and they fared not quite so ill. The worst that was said of them was that they were reputed to be Mollies. One witness paid a tribute to the defendant Canning, as being " a gentleman in all respects." But on cross-examination this same high-minded witness acknowledged that he " could not say what *people say*, because there are hundreds of stories, some of them good and some of them bad ; I do not think I would do justice to him or justice to myself if I paid attention to them."

Only poor Gibbons could not get very good words in his behalf. The first witness called knew that Gibbons was a Molly, and had never heard people say any thing about his character for peace and good order ; had never seen him do any thing but drink. The next witness declined to bear any testimony, wisely remarking, that, " You see people is talking so much, I cannot take notice of all the people say." Another witness had never heard any thing worse of Gibbons than that " he was wild when he would be drinking ;" and was corroborated by the next in order, who acknowledged that when Gibbons " had liquor in him he was a little wild." The next, and last, knew nothing against this defendant, " only that he belonged to the Mollies."

The defence, having sought with such imperfect success to bolster up the character of the accused, next turned their atten-

tion to an effort to destroy the character of the intended victim and government witness, Thomas. The possessor of the pleasing *alias* of Bully Bill does not appear to have been an extremely valuable member of the community; and if a fatal result of his wound had made it possible to have all these defendants hanged instead of only imprisoned, society could, probably, have spared "Bully Bill" in so excellent a cause. Yet the counsel for the prisoners appear to have been no better adepts in destroying than in building up a reputation. They were unlucky in this sort of undertaking, and, considering what an excellent subject they had to deal with in Thomas, it must be confessed that they made a bad failure. One of their witnesses relieved himself from the inconvenience of cross-examination by swearing very bluntly, on the direct, that Thomas's reputation for truth and veracity was good, to the best of the witness's knowledge.

The testimony upon both sides being closed, Mr. Gowen addressed the jury on behalf of the government. His speech in this case, as also in that of Munley, was very bold, ingenious, and able. He managed with much skill to get fairly before the minds of the jurors all the long series of murders and crimes which for so many years had placed in daily peril the lives of the law-abiding and decent citizens in the anthracite counties. Upon this panel he laid the weighty responsibility of saying whether this condition of things should cease now, or should continue and grow worse in the future. The Association itself was on trial; the prisoners were its prominent leaders, its officials, its energetic and trusted members in this neighborhood. The crime with which they stood charged had been committed by them in their character and capacity as office-holders in the Ancient Order of Hibernians. The organization of the Molly Maguires had been fully explained in the progress of this cause; the characteristic actions of the Association had been brought to light; its purposes and dealings had been exposed. It was now a question, to be determined by the verdict, whether or not that Association should have a longer life. The prisoners were relegated to positions of inferior interest; the Society was brought forward as the real culprit. The fate of Kehoe and Gibbons and their comrades was mere matter of detail; the true issue was, whether or not Molly Maguireism should be sustained or crushed. It was an organized body of criminals that was practically to be

condemned or acquitted; it was mere matter of form that the finding would actually run only for or against the few individuals named in the indictment.

The allusion contained in the warden's testimony was boldly used; and from this fact, by the way, it would appear that this evidence was not finally thrown out. Judging from the past, as Mr. Gowen charged, the courage of Kehoe to share in this crime must be attributed in no small part to "his confident belief that, no matter what crime he had committed, no matter how he might be detected, no matter how he might be convicted, . . . there was a power beyond us all, in this State, that would give him a pardon, and permit him to walk out of your jail, as so many members of his infernal organization have walked out before, with pardons in their pockets, which by them were considered not only pardon for the past, but immunity for any future crime which they might commit."

In the trial of Munley he spoke not less openly and forcibly. Having referred to the number of public offices filled by members of the blood-stained fraternity, "God knows," he said, "that when the time comes that all I know may be told to the world, it will reveal a history such as will make every American citizen hang his head with shame. . . . I have seen this organization wield a political power in the State which has controlled the elections of a great Commonwealth. I have received the information of meetings between some of the highest officers of the State and the chief of the murderers, at which large sums of money were paid to secure the votes of this infernal Association, to turn the tide of a State election. God knows if ever in the world there was a revelation as deep and as damping as that now laid open to the people of this Commonwealth for the first time!" Verily, after making liberal allowance for rhetorical exaggeration, it may be admitted that a change of administration, which should cause the "old man at Harrisburg" to make room for a successor of somewhat different affiliations, would seem not wholly undesirable for the good people of Pennsylvania.

Mr. Gowen had played the chief part in this whole scheme of detection; he had devised, and had been mainly instrumental in working, the elaborate and effective machinery which was designed and expected to destroy Molly Maguireism. His anticipations had had no narrow limit, according to the sketch which

he now ventured to give of them. He had hoped to see his trusty detective, "Jim McKenna," rise to the high post of county delegate in the Association, and he would not have been sorry even to see him arrested, tried, and convicted for some minor offence; to have seen him suffer a short imprisonment, and come forth all the more admired and trusted by the Mollies. Could McKenna have had but another year to work up this business, "you would have had the pleasure, I believe," said Mr. Gowen, "of hanging some men who are not citizens of Schuylkill County. We would have got at the head of this Order in Pittsburg, and we would have got at its head in New York; we would have got to its source in England, Ireland, and Scotland, and, I believe, established the affiliation of the head of the Society with these murderers and with the killing of their victims, and showed how they helped criminals to escape. These defendants are mean and common criminals beside those whom it would have been my greatest pleasure to have prosecuted before you." The counsel was warm in the cause which he was pleading, and threw himself into it with a personal ardor and enthusiasm. "We were informed and knew months ago that these men were the perpetrators of the crime with which they are now charged; and from the time I first had any information about any of them, the life of that man became as sacred in my eyes as the life of any man whom they threatened. And why? From that time, in my own heart and in my own mind, I solemnly dedicated these men to justice. Their lives became safe, so far as any influence I could exert, until the time came for their trial; and when some of the offenders in this society were arrested, a few months ago, and when we heard rumors and reports of vigilance committees intending to take the lives of these men into their own hands, for the purpose of doing that which justice had not been able to do for them, I trembled for their lives with as much solicitude as I did for the lives of any upon this earth!"

It is not often that counsel have been known, at least in this country, to take such a tone as this in arguing a criminal cause before jurors. Mr. Gowen was severely taken to task for it afterward, in the speech for the prisoners. Yet, it is not easy to find fault with him. He had entered upon a difficult, a perilous, a momentous task, fraught with the gravest results to the public welfare. As it was now approaching its consummation, and suc-

cess or failure was imminent, in speaking the last words which he would be able to utter to affect the result, surely it was pardonable for him to connect himself with the cause in this peculiar manner, and to give vent to his deep and earnest personal feeling. His language seems fully justified by the sentiment which stimulated it. "I felt," said he, "that I and those associated with me had a high and holy duty to perform. We wanted no vigilance committees; we wanted no reign of anarchy in this county; we wanted the majesty of the law to be enforced and justice to be vindicated in an open and public manner." The ability, the resolution, the perseverance, the courage manifested by this private individual, working without the assistance of government—perhaps in spite of the secret opposition of some influential politicians—in the untiring pursuit of an end so difficult and so noble, should secure for him the admiring recognition of all his fellow-citizens. When, at last, McParlan had done his work and agreed to tell his story, then Mr. Gowen resolved to "take his place among the ranks of the counsel for the Commonwealth," and to labor with the District-Attorney "in the prosecution of these offences until the last one was wiped from off the calendar of the criminal courts. And let it take weeks," said he, "or let it take months, or let it take years, I have buckled on my harness and entered for the fight, and, God willing, I shall bear it out as bravely and as well as I can, until justice is vindicated, and the county of Schuylkill is free." He had run no small personal risk in this matter, and once, in the Munley case, he referred to it. "Is there a man in this audience," he said, "looking at me now, and hearing me denounce this Association, who longs to point his pistol at me? I tell him that he has as good a chance here as he will ever have again. I tell him that it is just as safe to-day to murder in the temple of justice as it is in the secret ravines of the mountains or within the silent shadows of the woods. I tell him that human life is safe!" Bold words and a gallant defiance. Yet, few men, probably, would care to occupy the position which Mr. Gowen has occupied for years past, and must occupy even for years to come. It cannot be conducive to perfect ease of mind to know that hundreds of utterly reckless villains are thirsting for one's blood!

The defendants' counsel could hardly have been expected to

listen with entire equanimity to a speech into which there had been smuggled with such vexatious ingenuity a great amount of extraneous and very objectionable matter. At its close, they preferred to the court a request that the jury be discharged from further consideration of the case, for the reason that the learned gentleman representing the Commonwealth had "travelled outside of the evidence in this case, charging these men with crimes, to wit, the highest crime known to the law, without a scintilla of evidence in this case; charging them with the crime of murder, unproven, untestified to." The prosecution deigned to utter but a few words concerning the propriety of the argument, and simply suggested, upon the point of law, that the authorities showed that the "exception must be made at the time the remark is uttered, and that it is too late after the counsel has taken his seat;" also, that the exception could only be taken to the last address to the jury, and not to the opening argument, to which there was opportunity for reply. The court, without hesitation, overruled the motion.

Mr. L'Velle then made the first address in behalf of the accused, — an address so objectionable, both in matter and in manner, as quite to cast into the shade any possible fault which could have been found with Mr. Gowen's much more cleverly managed argument. Yet, in mitigation of the offensiveness of this harangue, it is right to remember to what sorry straits the unfortunate orator was reduced. A lawyer may fairly claim no small measure of sympathy and forbearance when he is expected to make an eloquent defence of men palpably most villanous, and in whose behalf not an affirmative word or fact of any real value has been elicited from the beginning of the proceedings. Mr. L'Velle gallantly took the bull by the horns at once. In stating to the jury that his clients were entitled to the benefit of any possible doubt as to their guilt, he actually ventured to say that "the maxim of the law clothes them with innocence as pure as doves, — yea, as white as snow, — until that doubt is dispelled in your minds." In truth, it was a bold stroke of rhetoric, verging dangerously upon the extreme of irony, to compare these ignorant and bloodthirsty wretches to doves and snow. With what countenances the intelligent jurors received the happy suggestion the record does not disclose. But the sentence struck the key-note of the whole address, which is mildly described by

saying that it was in bad taste from beginning to end. Unfortunately, too, behind this absurdity there was graver matter; and the counsel, probably not without hopes of touching the prejudices of some members of the panel, next sought to give to the condition of affairs in Schuylkill County the aspect of a resistance not unrighteously made by the laboring classes against the aggressions of wealth and capital.

Professional rules allow an ample latitude to advocates engaged in defending persons accused of serious crimes; but the latitude must be almost unlimited, if it can include and shelter such a merciless onslaught as was made upon the devoted James McParlan in this case. The defence had not brought a particle of testimony against his character, unless their futile efforts to show him to have contradicted himself in substantial matters can be considered such. Unless the whole system of employing detectives is to be condemned, it would be difficult to condemn his conduct as developed in these proceedings. It was fair enough to make the point against him that he was technically an accomplice, so that his evidence must require corroboration; and upon this the defence dwelt with much force and elaboration. It was not a point which troubled the prosecution much, or which the judge found any difficulty in dealing with in his charge. Neither would it be possible to find fault with the suggestion to the jury that McParlan might have had more at heart the enhancement of his own reputation as a detective than the real furtherance of the ends of justice. It is not to be supposed that he was altogether disappointed to find that he was not following a false scent, and that there was abundance of criminality to be shown up by his vigor and sagacity. It was true that he had not prevented the crimes of which he had foreknowledge; but this was a painful necessity of his duty, and to have prevented the act would have been to destroy the very ends of his mission. The assault upon him for neglecting to prevent was undoubtedly open to the defence, and could undoubtedly do the prisoners no good and McParlan no harm in the minds either of the jurors or of any other person whomsoever.

But the defence went much further than this, and, altogether unjustifiably, as we cannot but think, made an assault upon this man as the plotter and instigator of crime. If we have studied the testimony aright, there was not a particle of evidence to



show that he had ever devised, or originated, or done more than to appear to take his allotted part, in any unlawful act. But Mr. L'Velle had represented that all had been peace, and lovely virtue, and the sweetest innocence, until this man came into Schuylkill County. He was then declared to have arrived as the "emissary of death," and since his advent crime had been in the ascendant. The last part of the statement was certainly true enough; but the epithet which introduced it ought never to have been used. He was represented as a "wretch" and "wily miscreant," who had seduced the tender Hibernian youths from the paths of righteousness; and the jurors were requested to "tell the community, tell the wealth that dominates every thing in this county, — yea, I regret to say it, and justice too, — that upon the testimony of such a man as this detective, no citizen of this county should be condemned or convicted. Tell the gentlemen who represent the wealth of this county to see that justice shall be done to these men." When Mr. L'Velle had exhausted all that he had to say concerning the apparent connection of poor McParlan with this "carnival of crime, of blood, of misdeeds, and transgressions of the law, innumerable, black, and atrocious," the senior counsel, Mr. Ryon, followed in the same vein, proposing to show to the jurors "that of all the devils who have been in this county, plotting against the peace and good order, this man, McParlan, was the worst. That is not all; for he came here well supplied with money, and, with a shrewdness scarcely equalled, he has plotted all this deviltry and carried it out to a most successful issue, because he succeeded in killing every man against whom his plans were formed. Wren and Sanger, James and Yost, are to be numbered among his victims."

Mr. L'Velle appears to be a gentleman of lively and florid imagination, and his attractive sketch of the poetic tranquillity of Schuylkill County was possibly not much more correct than his comparison of his clients to tender doves. Answering a similar argument in the case of Munley, made, we believe, by the same advocate as counsel for the defendant, Mr. Gowen detailed a tolerable list of "casualties."

"Does the gentleman forget Dunne, who was murdered within two miles of this town? Does he forget Alexander Rae, who was stricken down near Mount Carmel? Does he forget the assassination of William Littlehales? If he does, I am very sure

that his colleague, Mr. Bartholomew, will not forget it; for I remember that I stood here, just where I now stand, some years ago, defending a couple of men on trial for murder, who, with other good citizens, when the house of a 'boss' had been attacked at Tuscarora, by a mob intent upon murder, . . . had sprung to arms, and had taken their old muskets, their rusty rifles, their pistols, and their swords (some of them with no time to load their muskets, save with the marbles with which their children had been playing), and had sprung to arms to defend the house that was attacked, and had shot down one of the assailants in his tracks; and were arrested and brought here, charged with the crime of murder. My friend, Mr. Bartholomew, who was my colleague, joined with me in contending that our clients had done that which they ought to have done to protect themselves; and as I was standing here, arguing that case, there came over from Coal Castle the news that William Littlehales had been murdered. Does the gentleman forget all this? Does he forget George K. Smith and David Muir? Does he forget the assassins who made the attack upon Claude White? Does he forget Morgan Powell and Langdon, who were killed, and Ferguson, who was almost beaten to death? Does he forget Patrick Barry, who, living with his wife and children in the house by the tunnel, when a band of assassins attacked him at night, placed his wife and little children in the middle of the house, and piled all the mattresses and blankets and pillows around them, and, when he had sheltered them as best he could, fought an angry horde of two or three hundred men, keeping them at bay until daylight, when they fled, leaving the long tracks of their blood behind them to show how well he had avenged himself upon his assailants? . . . Nor is it alone those whose names I have mentioned, — not alone the prominent, the upright, and the good citizen, — whose remains have been interred with pious care in the tomb of his fathers; but it is the hundreds of unknown victims whose bones now lie mouldering over the face of this county. In hidden places, and by silent paths, in the dark ravines of the mountains, and in the secret ledges of the rocks, who shall say how many bodies of the victims of this Order now await the final trump of God?"

Mr. Ryon took the ground that it was the duty of McParlan to do one of two things: either to disclose the projected crime

to the Commonwealth officials, and have the plotters arrested before the commission of the deed, or else to have used his own influence to stay the consummation. On the contrary, by permitting the crime to proceed, and not, in the earlier stages, shunning to play his own allotted part in the transaction, McParlan was charged with having become more than a detective, — he had rendered himself an accomplice and a *particeps criminis*, equally liable with his fellows. It was not a bad point that was made by Mr. Ryon, that, whereas the only method by which the government professed to have expected to use McParlan was by getting information from him and catching the criminals in the very act, yet, in this matter, the information had not been given; and, though there were fifty policemen in the neighborhood, who might have been on hand to save Thomas's life, and to capture the would-be murderers on the obvious verge of perpetration, nevertheless, the business was allowed to proceed uninterrupted. McParlan's illness was stigmatized as a flimsy, trifling reason; and the risk which he professed to have feared to run ought not to have counted for any thing to a man of his spirit and courage.

Reputation was very plastic beneath the manipulation of the counsel for the defence. Not content with suggesting the dove-like and snowy purity of their clients, and the incredible and bloody villany of McParlan, they even had words of favor to bestow upon the Ancient Order of Hibernians, chartered for the propagation of Christian charity and brotherhood. But they had a better opportunity and fairer game in William M. Thomas; and if it could constitute a good defence in law, to show that the taking off of the murderer's victim would be a blessing to the community amid which he dwelt, these accused men might have expected an acquittal. It was the familiar argument of the poor girl who pleaded that her illegitimate child was such a very little one! Unfortunately, however, for the prisoners, the public benefit which they had intended to consummate by relieving Schuylkill County of the undesirable society of Bully Bill, could not form a ground for a verdict of not guilty. The only practical advantage to be gained by traducing Bully Bill's character was to affect injuriously his credibility as a witness. Nor is it improbable that most respectable citizens would have been quite content had the bullet in the neck diverged by that small

fraction of an inch which would have sent these defendants to the gallows instead of to prison, — always supposing that the "old man at Harrisburg" should not interfere.

Mr. Kaercher, district-attorney, closed the case in a temperate, but clear and forcible, speech. The charge of Judge Walker was given on Aug. 12, the fourth day of the trial. The jury retired, but were out only twenty minutes, returning then with a verdict of guilty against each of the prisoners, and with a recommendation to mercy in the case of Frank McHugh. A similar satisfactory result was arrived at in the case of Munley, and one, at least, of the murderers of Thomas Sanger was, on July 12, 1876, convicted of murder in the first degree. Up to the time of this writing, the "old man at Harrisburg" is not known to have extended the saving grace of his clemency to any of these defendants.

JOHN T. MORSE, JR.