

130 YEARS AGO

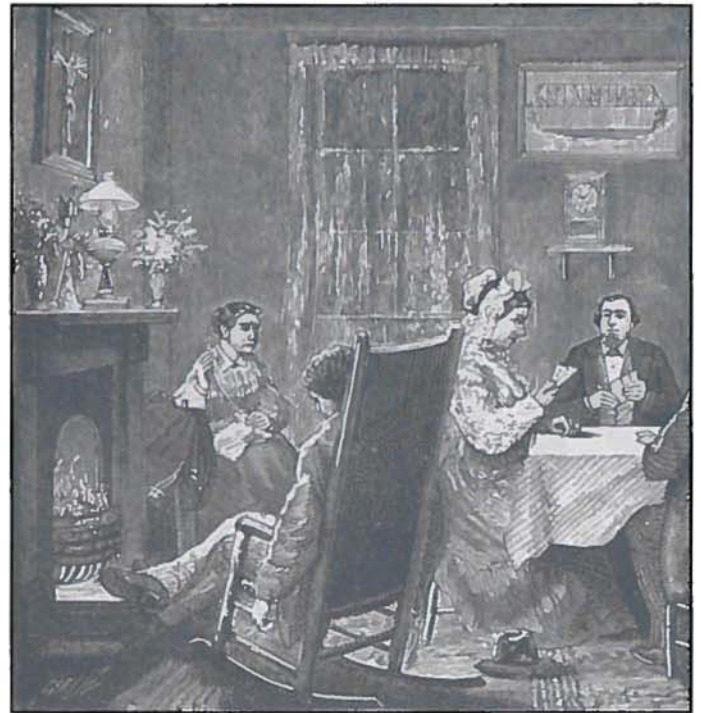
Radical Catholic “Molly Maguire” Patrick Hester Hanged in Bloomsburg

HAL SMITH

Anti-Irish Prejudice ravaged 1800's Pennsylvania. In 1852 Pennsylvania's "Know Nothing" Party nominated Columbia County mine official Kimber Cleaver for governor. It proposed public schools have Protestant Bible readings and only Protestant teachers. Farmlands rejected Irish, forced into the worst jobs at coal mines. Bosses paid under \$2 per day, banned unions, and promoted Protestants over Catholics. Miners retaliated as the Molly Maguire gang. From 1871-1875, Mollies destroyed ten mines in Locust Gap and Mount Carmel.

In 1866, Frank Gowen persuaded Pennsylvania's Supreme Court to give the Reading Railroad a vital track system. Gowen became company president and fixed shipping prices to acquire 125,000 coal acres.

Gowen blamed Mollies' sabotage on the Catholic Ancient Order of Hibernians (AOH). Miners, mostly Irish, favored the AOH which offered life insurance unlike companies. Allegheny County's Reverend John Hickey, welcomed it to his church on March 17, 1870, giving ecclesiastical recognition. Its first state convention met in Pittsburgh then. Locust Gap and Mt. Carmel's AOH president, miner Patrick Hester, was elected tax assessor—and taxed companies.



Gowen's Pinkerton secret police attacked with vigilantes. In 1874, the Protestant "Chain Gang" shot into a bar to kill Centralia's AOH president Ned Curley, but killed Michael Lenahan instead. Later it murdered Thomas Dougherty, another Molly.

In 1869, Hester and Ashland's AOH president Tom Donahue were charged with the murder-robbery of mine boss Alexander Rea on jailed robber James Finnely's deathbed confession. Donahue was acquitted. Hester was detained past 2 court sessions and released untried.

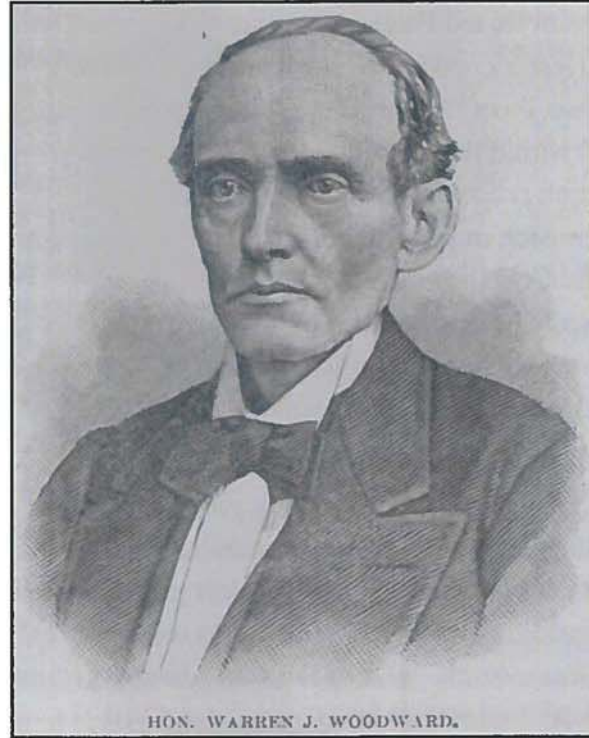


In 1876, Pinkertons told Manus Kull, a homeless person jailed for countless robberies: accuse Hester of Rea's death. Kull agreed, received \$1000, and was pardoned to testify.

Next, Pinkertons arrested Hester, AOH Delegate Peter McHugh, and Patrick Tully. Although Rea's was the only alleged Molly murder in Hester's Division, the anti-"Papist" press screamed Hester "waded in blood for years." Judge Elwell picked a Columbia County jury without Irish Catholics or coal towns' residents. A minister gave jurors a special church sermon against murder.

Rea's widow, kissing a Protestant Bible, testified Rea was killed alone one Saturday on a highway. Kull testified Hester said Rea carried \$18,000 that day and lent a gun. (As tax assessor, Hester knew Rea only delivered wages Fridays.) Kull said Hester wasn't at the murder, they did not discuss killing Rea, and Donahue wasn't involved. McHugh, Tully, and trigger-happy Kull drank whisky, and Kull "couldn't remember" if he or Tully shot first. That made Rea dash, and they killed him. Rea carried \$60. They gave Kull an extra share and Hester none.

The Reading's paid prosecutor Francis Hughes harangued 9 hours on Molly terrorism, telling jurors to send Hester to the "Prince of Darkness." Judge Elwell instructed that planners of unintentionally deadly robberies are guilty of murder. Jurors convicted the prisoners in under 2 hours. Gowen remarked: "The name of Molly Maguire being attached to a man's name is sufficient to hang him."



HON. WARREN J. WOODWARD.

On October 2, 1877, Pennsylvania's Supreme Court reviewed Hester's case in Pittsburgh's coal-blackened Grant Street courthouse. The Court was in Pittsburgh because that July Pittsburgh's militia refused to break a strike. Governor Hartranft sent in the National Guard, which shot 49 civilians. Then crowds burned trains for three miles. Allegheny County's lawyers blamed the riot on soldiers. The New York Times reported: "Up to the time the troops arrived at Pittsburgh not... a stick of wood [was] injured..." But in *Gibson's Son & Co. v. Allegheny County* the Court blamed Pittsburgh for not crushing the strike itself: "We see no evidence of any serious attempt upon the part of the local authorities to suppress it at the time of its commencement." In total, the Court made Allegheny County pay railroads and merchants \$2,772,350.

Gowen joined Hughes to argue before the Court against Hester's appeal. Hester's lawyers showed the 1860 "Two Term" Act required releasing prisoners not tried within two court sessions. In 1869 the prosecution released Hester three days after his second session in jail without trial. Hester's lawyers said if the Court would not call this acquittal, theoretically "a prisoner can be re-arrested and imprisoned for the same offence" and "perpetual imprisonment could follow without trial."

Pennsylvania Supreme Court Justice Warren Woodward, who was the presiding judge in Reading from 1861-1874, set legal precedent that the Two Term Act did not automatically protect prisoners. Woodward said Hester hadn't asked to use it for his 1869 release, so the prosecution could re-charge him as easily as it released him.

Next Hester's lawyers argued "At the time of this trial a strong prejudice existed in this community against the Ancient Order of Hibernians. The [Molly] trials in Schuylkill county had just been concluded and it was impossible to obtain an unprejudiced jury. All that seemed necessary was to find that a prisoner was a 'Mollie Maguire' and conviction followed."

Woodward responded that Judge Elwell's "instructions upon legal questions were so intelligent and so clear as to make their apprehension and application by the jury free from the chance of mistake or doubt. In relation to the general features of the case, there is nothing, therefore, that requires remark."

By Pennsylvania Constitution Article 4: "no pardon shall be granted ...except ... after full hearing, upon due public notice and in open session." Hester's lawyers said the Pardon Board announced it would not meet on the regularly scheduled hearing date when Kull announced he would apply. Subpoenaed papers showed the Board did not certify any notice was given or meeting convened. Further, Kull's pardon did not fully restate the penalty to be repealed, including returning stolen property. So they argued Kull's pardon was void.

Woodward: "Upon irregularities and omissions of form such as these, it was proposed that County judges... should... annul the deliberate action of the governor taken in the execution of a constitutional power expressly conferred. There was no allegation that the pardon was obtained by fraud." i.e., the Constitution let the governor pardon Kull, so County judges could not void this unconstitutionally enacted pardon. Although the Court upheld Hester's conviction, his wife and a priest gathered 2,500 signatures for a pardon. Denied.



On March 25, 1878, Hester comforted his wife and 4 shrieking daughters. Tully's wife whispered, "I have nothing left now but me broken heart." For hours the prisoners, knelt, prayed, celebrated High Mass and the Eucharist. McHugh, Hester, and Tully, entered the jail yard carrying large wood, ivory, and bronze crucifixes, followed by Fathers Koch, McGovern, and Schluter. Three thousand drunken, festive farmers watched. Mrs. Kahler remembered: "no sympathy for Hester amongst the Protestant people in the town because he took that man's life."

The prisoners prayed five minutes at the scaffold. Each held a cross in front of his eyes, kissed it, forgave his enemies, and asked forgiveness of all his sins. Hester said "I forgive all my enemies and hope God will do the same," then declared: "I did not plot the murder of Rea."

Gowen's police strapped their legs. The drop was too short to break necks. Hester breathed heavily, convulsed. Three hearts took nine to twelve minutes to stop. Crowds stole Hester's ring and prayer book when the corpses were released. After High Mass at St. Joseph church, Locust Gap, 2500 miners attended Hester's burial in St. Mary's Cemetery. 500 attended Tully's funeral by a candlelit altar in his squalid shanty. Wilkesbarre's Catholic cemetery interred him and McHugh.

Pittsburgh's courthouse burned in 1882. In 2005, Pennsylvania's Legislature resolved the Reading monopoly and prejudice deprived Mollies of Due Process.

