

" MURDER MOST FOUL ! "

The Lynching of John W. Kelliher

(1886)

Foreword

By

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Editor, MLHP

John W. Kelliher was taken from the Becker County jail in Detroit, Minnesota, on the night of June 23, 1886, and hanged from a large oak tree by a mob of men incensed by his murder of John Convay, the village marshall. An eye-witness account of the events that night was published in the weekly *Detroit Record* on Friday, June 25. The lynching became the subject of editorials in metropolitan newspapers.

From the evening *Minneapolis Journal*, June 24:

THE DETROIT DISGRACE.

It sometimes happens, when a particularly heinous crime seems certain to go unpunished through imperfections in the law or the bribery of the courts, that the execution of justice at the hands of a mob may be regarded, perhaps not with that approval which would incline to participation, but yet with a feeling of satisfaction that justice has been done.

Such cases, however, are extremely rare, and the swift vengeance inflicted by the frenzied mob at Detroit, Minnesota, last night, is not one of them. The crime for which Wm. Kellaher (sic) was lynched with no doubt justly punishable with death, but no excuse exists for the infliction of that punishment by a mob. The criminal was a

prisoner, and was the duty of the court, with the aid of the law and the evidence, to say what penalty should be inflicted upon him. No one had any reason to believe that he would not receive the punishment he deserved. There was not the shadow of an excuse for the lawless act which will stand as a shame to Detroit and a disgrace to the State. It must be deeply regretted by all law-abiding citizens everywhere.

But that is not all of it. There is no law which excuses the taking of human life, except in the execution of the law or in the defense of human life no matter how many may be engaged in the taking of it. The men who hung Kellaher are guilty of taking human life without either of these reasons or excuses, and should be held responsible for their wicked and lawless act, no matter if there were a thousand of them. It is clearly the duty of the officers of the court in Becker county to investigate this thing thoroughly. It is time to establish a precedent in favor of dealing with mobs just as individuals are dealt with for the commission of the same crimes. Unusual difficulties may exist, as for instance in determining the exact responsibility and shade of guilt of the different participants, but this is not sufficient reason for allowing crimes of this nature to go wholly unpunished. When a different course is pursued lynch law will be less popular. As it is now nobody expects to be called to account for such deeds.¹

From the *St. Paul Daily Globe*, June 25:

THE DETROIT LYNCHING.

It is the sense of public opinion that an act of justice was meted out to a dangerous ruffian when John Kelliher was hung by a mob at the town of Detroit, in this state, night before last, yet there is a feeling of revulsion that justice had to be administered in that way. It is expecting too much of human nature that a community, however

¹ *Minneapolis Journal*, June 24, 1886, at 2.

orderly or law-abiding it may be, shall submit to the ruffianly conduct of every desperado who inflicts his presence upon the community. Society owes it to itself to get rid of such tough characters as Kelliher seems to have been in the quickest way possible, so long as the manner of his taking off does not bring a reproach upon the community of more serious consequence than the presence of the villain in their midst.

There is no shadow of doubt that the enraged citizens of Detroit had sufficient provocation to excuse them for the lynching, if it did not justify them in the act. It was past all human endurance to have a defiant desperado walk the streets of a respectable town and shoot down its citizens in cold blood. Nobody is surprised that he was taken from jail by a mob and swung to the nearest tree. It would have been a surprise if it had not been so. And yet, now that it is all over and the passion of the lately infuriated populace has cooled off, it is easy enough to see that it would have been better if the lynching had not occurred. In one sense it is a stain upon the great state of Minnesota that such lawlessness should prevail within her borders. Mob violence is always to be deprecated. At this distance from the scene of the occurrence it is easy enough for us to moralize on it, and to deprecate it, but we must remember in extenuation of those who were parties to the lynching that when under the impulse of hot blood a man is not the moralizing philosopher that he is in his calmer moments.

The *Globe*, in common with all good citizens of the state of Minnesota, regrets the Detroit occurrence, but it does not take any stock in that mawkish sentimentality which insists that it will inflict an irreparable injury upon the reputation of the state. With the many deplorable incidents connected with the tragedy it will result in teaching at least one healthy moral lesson. It will teach all tough characters of the Kelliher stripe to steer clear of Minnesota territory. To be rid of such a gang is not going to hurt any community.²

² *St. Paul Daily Globe*, Friday, June 25, 1886, at 4.

From the morning *Minneapolis Tribune*, June 25:

A Disgrace to Minnesota.

The lynching Wednesday night at Detroit, Minnesota, of the murderer of the village marshal, was a barbarous and disgraceful act. It has been published throughout the East, and it will there confirm the impression that Minnesota is a lawless frontier state, ruled by the rude violence of mobs. It has been published throughout the South, and it will furnish the people of that section with fresh material for rejoinder when the North condemns their habitual violence. It has strengthened the damnable custom of lynching and its subtly demoralizing influence will be operative for years to come in the vicinity of Detroit and in the State.

There could be no possible excuse for the lynching. The evidence against the murderer of John Convey was clear and direct, and the verdict of the coroner's jury foreshadowed what the verdict of a trial jury would have been. The guilty man was securely lodged in jail. The new penal code restoring the death penalty has been in force for months. Kelleher's (sic) conviction would have been certain for there never was a clearer case of murder in the first degree, and the prisoner had neither friends, money nor influence to retard or pervert justice. The law was sufficient for his case and when they had compassed his capture the citizens of Detroit should have left his punishment to judge and jury.

One crime does not justify another. Kelleher deserved death but the vilest criminal has a right to legal trial. It is a cowardly and base act for great crowd of men to break jail doors and kill a single miserable wretch. It is the worse and not the better part of men's natures which impels them to such ugly and fierce brutality. Those who have engaged in such deeds can never cleanse themselves from the stain of blood.

The sheriff seems from all accounts to have acted with weakness and cowardice. It was his business to protect the jail and the prisoner and he should have done so even though it were necessary to fire a Gatling gun into the mob. This language will not please those persons who think it their privilege as citizens to take from jail and hang or shoot any man awaiting trial for murder or rape but it is language that the juncture imperatively requires. There is scarcely a county jail in the Northwest that has not been visited or threatened by lynching parties one or more times within five years. Every jail should be supplied with a Gatling gun, intended for business. No sheriff who wishes to be thought a man of fidelity and courage should permit a prisoner to be taken without first sacrificing his own life. The average sheriff seems to be weak and flabby and to lack hard nerve for duty. If he were known to be a man who would not easily permit law and decency and public justice to be insulted and violated by mobs, a mob would rarely form. It is the contemptible shilly-shallying of the officers which is largely responsible for the wanton and wicked lynching mania that is disgracing the Northwest. Let us, for a change, hear of a sheriff who will not turn his jail wrong side out at the request of a blood-thirsty mob, and whose resistance is not simulated and languid, but is energetic and determined.³

The *Detroit Record* responded to these editorials at the end of its article. It argued that there would be no adverse consequences of the lynching on the community, and pointed to the “great favor” lynchings in Perham and Minneapolis did “society and the world” by putting “villains where they will not be able to kill other good citizens.”⁴ The *Record’s* account follows, complete though reformat-
ted.

³ *Minneapolis Tribune*, Friday, June 25, 1886, at 4. Apparently the *Tribune’s* suggestion caught the attention of newly elected Hennepin County sheriff Peter Swenson. See *St. Paul Daily Globe*, July 12, 1887, at 3 (“Sheriff Swensen is determined that no one shall be taken from the jail and lynched, and so keeps a stack of rifles where they can be easily reached.”).

⁴ In May 1882, Frank McManus was lynched in Minneapolis for raping a 4-year-old girl; and in June of that year, 15-year-old John Trivett was lynched in Perham, Otter Tail County, for a suspected double murder.

The Detroit Record.

Official Paper of Becker and Beltrami Counties.

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MURDER MOST FOUL!

JOHN GONVAY, OUR VILLAGE MARSHAL, SHOT DEAD WHILE IN THE PERFORMANCE OF HIS DUTY.

JUDGE LYNCH HOLDS COURT, AND JOHN W. KELLIHER, THE MURDERER, IS SWUNG FROM THE LIMB OF AN OLD OAK TREE.

SCENES OF TERROR AND CONFUSION.

Detroit has been the center of great excitement, horrible scenes and righteous indignation during the past week, which has culminated in the cruel murder of one of our best young man; the seizure of the public officers and capture of the county jail; and the lynching of one of the vilest wretches who ever drew the breath of life, and a general routing of a horde of pimps and prostitutes, who have infested our city since last winter, and the burning of one of their houses of prostitution.

The trouble was the direct result of the feud which had long existed between John W. Kelliher, alias Big Red, or Reddy, and one Howard, alias Bulmer, both gamblers and fancy men for houses of ill fame. The men were very large, heavily built fellows, and after repeated scuffles and knock-downs they again met last Tuesday evening and continued hostilities. They made loud talk and dangerous threats toward each other, meeting several times upon the streets and in the saloons, and finally about one o'clock Wednesday morning the two men, Howard being backed by a gambler named Frank Bennett, alias Burns, alias McCormick, met in front of the Masonic Block. Our village marshal, John Convay, hearing the disturbance, came up and attempted to quiet them, but in vain. The testimony of the few men who were present goes to show that the three men were all very abusive and anxious for a fight, but that the two were afraid of Big Red, knowing him to be an expert in handling a revolver, and he had been free in the display of a heavy bull dog self-cocker. Finally Bennett made a move towards Red, who was standing on the sidewalk at southeast corner of the Masonic Block with the remark that he "would fight the ----, gun and all." He had taken but very few steps forward, however, before Red whipped out his self-cocker and fired. Bennett jumped quickly from the sidewalk and fell flat upon the ground, no doubt with intention of misleading Red into the belief that he had hit his man, in order to prevent another shot being fired. The marshal, seeing Bennett drop, made a rush at Red, probably with the intention of placing him under arrest, when the big, burly ruffian stepped back a pace or two and taking deliberate aim at the breast of the officer fired a second shot and sent a bullet crashing through his heart. Without a word, poor "Jack" staggered and fell into the arms of Bennett who laid him easily upon the walk with the remark that "He

has killed him; my God he has killed him." The villain did not wait to see the result of his murderous work. Instantly he stepped around the corner and disappeared in the hollow beyond. Several men who had rooms in the vicinity who were aroused by the loud talking and by the pistol shots were watching the affray from their chamber windows, and it was scarcely a minute before they were upon the street, some hurrying for medical aid, others anxious to do what might be necessary for their fallen friend. But the fatal missile had done its work most effectively, having entering the breast, slightly to the left, passing through the heart and causing instant death. The body was at once taken to one of the rooms in the Masonic Block.

THE NEWS OF THE MURDER

spread like wild fire through the village, and in less time than it takes to write it there was an armed force of fifty or more men, scouring every part of the village. Teams were secured and armed men were sent in every direction. Telegrams were sent to every town along the line, and a reward of \$200 offered for the murderer, dead or alive. As time passed a feeling of indignation increased, and every man was aroused from his sleep and informed what had taken place, joined in the search for the murderer, armed with such a weapon as he could secure, it mattered not whether it was a shotgun, rifle, revolver, knife or club. Two men, John Boutell and George Foster, were stationed at the bagnio occupied by Big Red's mistress, as it was thought he would want to see her before leaving. The surmise proved correct, and after watching by the house for an hour or more a noise was heard in the underbrush close by. Daylight was just breaking, and creeping into the brush from whence the noise came, they discovered the murderer lying upon the ground, his coat thrown over his head, and he had evidently fallen asleep, overcome by his run, excitement and liquor. Revolvers in hand the boys called him, when he sprang to his feet, exclaiming

**"WHAT DO YOU WANT ! WHAT
HAVE I DONE !"**

He was told he had shot the marshall and was wanted up town. His revolver was taken from him, and he said he would go quietly and

make no trouble, but first wanted to see his mistress. As he came toward the court house between the two men, they were met by Sheriff Phinney. Men rushed to the spot with their guns cocked and it was with great difficulty that the officer prevented the excited men from shooting him down like a dog. He told the sheriff to take him away and to protect him, and his manner showed that he was almost frantic with fear. He was placed in a steel cage in the county jail, and for a time at least, was safe from the excited and infuriated citizens. But little business was done in Detroit that day. Men were to be seen in small groups in every part of town – upon the streets, in the stores and saloons, and alleyways and backyards, earnestly discussing the tragedy, and the threatening countenances of hundreds of determined men were ample indications that further developments were very likely to be made. All day long the jail was watched by a score or more of men, and had an effort been made to remove the prisoner from the jail he would undoubtedly have been seized and executed upon the shortest notice.

JOHN CONVAY

has been marshall of the city for three years or more, and was particularly suited for the position. Always quiet, cool and determined, his official acts have been most satisfactory. A social, genial officer, a friend to all classes, he always used his powers of persuasion and good advice to quiet an impending disturbance, and he was one of those officers who were to be found at their post whenever their services are required. He was a single man, 27 years of age, but we understand was soon to have married an estimable young lady of the town of Cormorant. His remains were taken in charge by Messrs. Wood and Crosby, undertakers, who were instructed by the friends of the deceased to do all that could be done. These instructions were carried out to the letter, by Mr. Crosby. The body, dressed in a handsome suit of black, was placed in a beautiful casket, and placed in one of the rooms in the Masonic Block. Hundreds of people passed in to take a last look at all that remained of their departed friend. Not only many of the women who viewed the remains, but strong men, many of whom had probably not shed a tear for years, wept like children as they bowed their heads and looked upon the familiar face

of him who only a few hours before had been among them in full strength and vigor of young manhood. It was with difficulty that they could realize that "Jack" as he was familiarly known to nearly every man, woman and child in Detroit was not quietly sleeping as he lay before them, surrounded by the choicest flowers, sent as a last tribute from many friends. Men passed in with a look of determination upon their countenances, and as they came down stairs the fierce imprecations and mutterings of revenge boded no good for the man who had so ruthlessly slain him.

Convay came to Detroit via Rochester, this state, three years ago, and had brothers there who were notified of his death. Instructions came over the wires to forward the body to that city, and about 8 o'clock the lakeside Band, and the fire company – of which the deceased was a member – marched to the Masonic Block, with muffled drum. Then, led by the band and followed by the firemen, the first six of whom bore the casket, with a column of citizens on foot which extended nearly from the Masonic Block to the depot, the procession marched down Washington avenue, the band meanwhile playing a dirge. The side-walks on Washington avenue were crowded with people – men, women and children – from the Hotel Minnesota to the depot. The remains were placed in charge of the station agent, when the assembly dispersed, not to their respective homes, but only to walk to and fro upon the streets, all appearing anxious, apprehensive and excited and

WAITING FOR SOME TERRIBLE EVENT.

At precisely 10 o'clock several taps are made upon the fire bell in quick succession and the fierce yells which immediately followed were ample evidence that this was a signal for the execution by Judge Lynch. Farmers from many miles around had been coming into town all day and many men arrived by the evening trains from points east and west. The town was thronged with men, and at the ringing of the bell, a mass of humanity surged toward the court house. At first the movement appeared to be slow, and with deliberation, but their steps were hastened as the heavy blows from sledge hammers were heard upon the court house doors. They could not keep back, the terrible

excitement causing them to crowd closely about the building. The outer door was brushed away as though it were a mere cob-web and the excited and howling crowd surged into the corridor and against the door of the turnkey's room. This door was also smashed into fragments in a second. The doors of the jail were next met and they proved an obstacle which could not be so easily overcome. A yell went up for Sheriff Phinney and Deputy Taylor, who had been making every effort within their power to keep the crowd back. They were received by the desperate men, in whose hands they were powerless in a moment, thrown violently to the floor and in a second

THE MOB HAD THE PRISON KEYS IN THEIR POSSESSION.

The sheriff was firmly held by three masked men in the turnkey's room, Mr. Taylor been thrown into his own dining room and the door closed, the jailor's residence being just across the hall from the jail. The heavy bolts and the iron doors were shot back with a heavy clank, and the steel cage, containing the murderer was surrounded by a crowd of wild, howling men.

A CRY FOR A ROPE

went up, and the word "rope," "rope," "rope" was shouted lustily from one to another. It had been prepared and was handed forward, when the cage door was thrown open, and Kelliher was brought face to face with his unlawful but determined executioners. He was so terribly frightened that he could offer no resistance.

HE BEGGED TO BE SHOT

if they were determined to kill him but the crowd cried "Shooting him is too good! Hang him! Hang him!" He asked for pencil and paper that he might send a last message to his friends, but the excitement had reached such a fever that the noose was thrown over his head, the cry to "go ahead" was given and probably fifty men having hold of the rope started rapidly from the jail. As a victim left the cell he grasped the rope firmly with both hands and said, "Now go you s--s of

b-----s." The mob surged from the building and amid yells from hundreds of throats ran with the victim to the house he had occupied as a bagnio. In the twinkling of an eye the rope was thrown over the limb of a large oak tree, and Big Red was swinging in the air, and the shouts of the mob and the pistol shots were fired at the body were calculated to cause one's blood to run cold. Hundreds of men had followed from the jail and the scene was one of the wildest confusion. People looked sick at heart at the sight presented, turned away and retired to their respective homes not to sleep, but to await the morning dawn. All had been done so quickly and effectually that the terrible affair could scarcely be realized. Returning to the village the streets were found practically deserted. There was no drunkenness, no loud talking. The saloons had all closed their doors and extinguished their lights before nine o'clock. This was a wise precaution, but we think unnecessary, for there were very few people who were disposed to carouse, and in fact the saloons had been almost deserted all day. Nearly every citizen was at his home before midnight, and all disturbance was supposed to be at an end. In the morning, however, the contrary proved to be the case, and it was found that a body of men had visited the house which had been occupied by Howard and his women. The crowd had been

WARNED TO LEAVE TOWN

before dark, and it was well for them that they taken that warning. The house was found deserted, and after a thorough search the men returned to the village, but no doubt a spark had been dropped, or one of the party returned, for about an hour after the sky was illumined and it was known that the house was on fire. No effort was made to save it, and it was burned to the ground. The men next found the household furniture of the parties piled upon the depot platform, and just before daylight the goods were piled in the center of the street.

A MATCH WAS TOUCHED

to the pile and this terrible night was brought to a close by a huge bonfire.

Kelleher's body was left hanging until morning, when it was cut down and taken in charge by the coroner, not, however before our enterprising artist, Mr. Ryerson, who was upon the ground in an early hour, had secured a negative of the horrible site. A coroner's inquest was held, the jury returning a verdict stating court "that John W. Kelliher was taken from the Becker county jail, June 23d, 1886, at about 10 o'clock P.M., by persons unknown to the jury, and that he was afterwards found hanging and dead." A coffin was procured by the coroner, and the remains were taken to the cemetery for interment.

This is probably the closing chapter in a siege of which Detroit has been the victim for several months. That every officer and private citizen has stood back and withheld a protest, there is no doubt. No individual or class of men is to blame more than another, and any attempt to shift the responsibility upon others at this time is in bad taste, and we do not think will be attempted. It was the duty of every citizen to enter a protest against gambling-houses and houses of prostitution which have been carried on uninterruptedly. No complaint has ever been entered; we have all neglected our duty in this respect, and the terrible lesson is one which will be remembered as long as we live. Detroit is not likely to be again troubled by these degrading and immoral classes, and while the result is desirable it has been brought about at a terrible expense.

THE FEELING IN DETROIT.

Public sentiment last Thursday, with scarcely an exception, was that the murderer had met his just reward. A desperate character himself, he had fallen into the hands of desperate men and met with treatment with which his whole life shows he was in full accord. Regrets were general that the mob had been so inhumane in the treatment of their victim, but we doubt if there were many in the town who in his heart was not glad that the villain had been put to death.

PICKED UP.

The entire gang of gamblers and scarlet women have left the town.

Many men came from Wadena, Perham and Frazee City last Wednesday evening. One of the men is said to have pulled upon the rope when McManus was lynched in Minneapolis, and seven men were said to have been members of the Trivitt's neck-tie party at Perham.

Kelliher's mistress, who was discharged by the sheriff and left town last night, said that his real name was Wm. Manighan.

Kelliher was one of the cast of the thugs of Minneapolis. They failed to take care of him there, and now the Journal and Tribune want the men who did take care of him, punished.

The St. Paul Globe strikes the true chord of public sentiment the first time. This high-toned sentimentality is all nonsense, and the theory advanced that any community or state can be irretrievably injured by the summary execution of so vile a character as Kelliher, is false. – That such an act of violence was wrong, there is no doubt, but there is a limit to the patience of humanity, and that limit was overstepped by this wretch. That such an act as that of Wednesday night establishes bad precedent, there is also no doubt, but the example set by Perham, and later by Minneapolis, has never borne the terrible fruit which the sentimental Minneapolis writers now predict. In each of these three cases, which have occurred in Minnesota, the crime was of the most heinous nature, the proof beyond question, and the mob certainly does society and the world a great favor when it puts such villains where they will not be able to kill other good citizens. Society and the law can not sanction such work, but in the hearts of most fair-minded men the act of Wednesday night arouses a feeling of satisfaction which will not down

Kelliher stated to our reporter last Wednesday evening, that he had a mother, four brothers and a sister in Brooklyn, N. Y.

The Minneapolis Journal and Tribune want the lynchers of Big Red brought to justice. "Birds in glass houses," etc. Would these papers not make a good move by first causing the Minneapolis authorities to hang the lynchers of McManus? Surely in a great city a person could

be more easily protected than in a country town where every man named a friend in the assassin's victim.

Good pictures of Big Red, cabinet (not life or hanging) size can be procured of Ryerson, our enterprising photographer.

Nearly every man in town had a piece of half-inch rope, or a piece of oak bark, for a pocket piece last Thursday.

Wanted – two new doors for the Becker county court house.

Found – a sledge hammer, in the Becker county jail, last Thursday morning. Owner can procure the same by calling upon the sheriff, proving property and paying for this notice. •



Related Article

Mobs should be distinguished from vigilance committees, which were formed by residents of a town to combat a particular unlawful activity such as horse stealing. They arose when the sheriff or local police force lacked resources to stop a wave of crime. Some of these organizations had written charters, elected officers and held regular meetings, unlike a spontaneous, short-lived mob. For a history of one such committee, see Patrick B. Nolan, "The Waseca County Horse Thief Detective Society" (MLHP, 2011)(published first, 1987).

For the history of lynching in Minnesota, see John D. Bessler, *Legacy of Violence: Lynch Mobs and Executions in Minnesota* (Univ. of Minn. Press, 2003). It is a companion to his *Death in the Dark: Midnight Executions in America* (Northeastern Univ. Press, 1997). At the time he wrote these books, the author practiced law in Minnesota; now he is on the faculty of the University of Baltimore School of law.

According to the *Minneapolis Tribune* editorial, “There is scarcely a county jail in the Northwest that has not been visited or threatened by lynching parties one or more times within five years.” Viewers can test the accuracy of this assertion at their computers at home or office. Access the Library of Congress’s “Chronicling America” website, which displays digitized historic newspapers. Enter “Minnesota” for the state; “1883-1887” for the period, and “lynching” for the keyword. On your screen will appear dozens of articles in Minnesota newspapers on lynching and attempted lynchings around the nation during this brief period.

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