

“The Trial of John Boyd for the Murder of Thomas O’Brien”

Episode Transcript

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Introduction

The patrons of Daicker’s Saloon reacted in shock as the body of Thomas O’Brien slumped to the floor, shot through the heart.

John Boyd stood over Thomas O’Brien holding a pistol. Like everyone else in the saloon, the two men were gold miners, waiting for the last steamship south.

It was December 1878, and Fort Wrangel was a lawless place in the Alaskan frontier, abandoned by the Army, with no one in charge.

Chaos reigned, especially when the miners were in town.

With the murder of Thomas O’Brien, the people in Fort Wrangel were forced to finally answer the question: who’s in charge? The answer would come with heavy consequences.

Today’s episode of Wrangell History Unlocked is The Trial of John Boyd for the Murder of Thomas O’Brien.

Chapter 1. Lawlessness

A. Neglect

While the murder of Thomas O'Brien was shocking, it may not have come as a complete surprise. Things were out of control in Fort Wrangel. And many people knew it.

By 1878, Fort Wrangel was a twice-abandoned fort, surrounded by a small White settlement, with a much larger, more established Tlingit village in a bay to the south. When the Reverend S. Hall Young toured the village in 1878, he remarked:

The houses were all built on the beach, which was slimy and filthy with decayed fish, meat and offal, carcasses of dead dogs, skeletons of deer and other animals and even human bones.

Fort Wrangel was the layover for miners, not the final destination. The Cassiar Gold Rush brought thousands of miners through Fort Wrangel in the spring and summer. When winter came, the Stikine River disgorged thousands of miners that could wreak havoc until a steamship took them home.

When the Army left, the only man in Fort Wrangel with any government title was Isaac C. Dennis, the Deputy Collector of Customs. He attempted to single-handedly stop the manufacture, importation, and smuggling of liquor with a righteous zeal. Historian Roland L. de Lorme describes the job like this:

...A pitifully small contingent of customs officers attempted to work with an equally inadequate territorial government to enforce federal laws and commercial regulations and give Alaska at least a small measure of civil peace.... The collector of customs... could do little about smuggling activities because of the problems of weather and distance. Such difficulties made smuggling not only profitable but relatively safe...¹

In early 1878, Fort Wrangel's deputy Collector Isaac C. Dennis described an awful act of violence purveyed against an Alaska Native woman in Fort Wrangel:

A gang of rowdies and bummers have, for the past three months, been in the habit of getting on a drunken spree, and then at midnight going about the town making the most hideous noises imaginable, disturbing everybody, and insulting those

¹ Liquor Smuggling in Alaska, 1867-1899. Roland L. de Lorme. The Pacific Northwest Quarterly. Vol. 66, No. 4 (Oct., 1975), pp. 146.

who do complain of these doings. On the night of February 16 the incarnate devils... visited a house occupied by an Indian woman, gave her whisky that made her beastly drunk, and then left. Shortly after their departure the house occupied by the woman was discovered to be in flames, and ere any assistance could be rendered the poor woman was burned to death.²

The Puget Sound Weekly Argus re-published this account, and added,

We shall wait patiently a few months longer for Congress to extend law over this region, and if our appeals are not heeded, then we shall organized a vigilante committee and take law into our own hands, let the consequences be what they may... Vigilance committees are not desirable in any country, but what other recourse have we should the present Congress refuse us aid? We must have law and order; this fact each day more fully demonstrates.³

Deputy Collector Isaac C. Dennis eventually lost faith in the government doing anything. He became disillusioned, resigned, and left Fort Wrangel in late 1878.

Back in 1876, over one-hundred Fort Wrangel merchants, miners, and others signed a petition to Congress asking for the US government to finally extend law to Fort Wrangel. The petitioners said the Army prevented “disorder and bloodshed” but courts of justice were necessary to protect life and property. The petition said:

Alaska Territory, including Fort Wrangel, is under military rule, but at present no legal tribunal exists, either civil or criminal, although civil disputes and controversies are arising daily, and the want of such a tribunal is keenly felt.⁴

Instead of sending justice to Alaska, the government made things worse by withdrawing the Army completely in 1877. After the Army left, the Daily Alta newspaper wrote,

At Fort Wrangell there is much depression. There is no one left to settle disputes.⁵

² Report upon the customs district public service and resources... p. 4-5.

³ Puget Sound Weekly Argus, Volume 8, Number 5, 22 March 1878

⁴ Letter from the Secretary of War accompanying a memorial from ci, p. 2-3.

⁵ Daily Alta California, April 29, 1877

B. John Boyd

One of the signers of the ill-fated petition to Congress was a gold miner named John Boyd. Not much is known about John Boyd. According to newspaper accounts, he was Southern and had a reputation for violent confrontations. According to the Daily Colonist, he once pulled “an ugly looking knife” on a man in the Cassiar.⁶ The National Police Gazette said “very little is known of his past history, save that in Idaho he bore a bad name and was quarrelsome.” A newspaper report from the 1873 Washington Standard described a “stabbing affray” between a man named John Boyd and William Pollard, which resulted in injuries to Boyd.⁷

C. Charles Daicker

Along with John Boyd, Charles Daicker also signed the petition asking for law in Alaska. Charles Daicker had already had his troubles with the law. Two years before signing the petition, Daicker was thrown into prison in Sitka by Major George B. Rodney for distilling alcohol.

Distilleries were illegal in Alaska, but that did not stop the practice. Between August and November 1878 alone, merchants in Portland shipped 1,635 gallons of molasses to Fort Wrangel, not to mention the almost 5,000 gallons sent to Sitka.⁸

Charles Daicker spent seven months in prison, reportedly serving hard labor on a diet of bread and water, leaving his wife and young son to fend for themselves. He was released on \$100 bond, but ordered to stay in Alaska. Having worn out his welcome in Sitka, Daicker relocated his family to Fort Wrangel and opened a saloon. By the end of 1878, Daicker’s was known as a billiard saloon and “hurdy gurdy” house.⁹

C. The Murder

On the evening of Friday, December 13, 1878, John Boyd and Thomas O’Brien would cross paths in Daicker’s Saloon. John Boyd’s last days paint a picture of a man with a bad temper, living in a crazy environment, with plenty of targets for his rage.

⁶ Daily Colonist, 12-24-1878, p. 3.

⁷ Washington Standard, Volume XIII, Number 48, 25 October 1873.

⁸ Alaska A History by Naske and Slotnick, p 110

⁹ National Police Gazette, Jan 25, 1879.

The story of John Boyd wound up in the National Police Gazette, recognized as the nation's first men's magazine. It describes the days before Boyd and O'Brien's encounter:

On or about the 8th of December last, a dispute arose between one West and Mike Powers relative to a piece of water-front in the town of Wrangel; this dispute lead to blows, and West, being the weaker man, was frightfully beaten. Among his sympathizers was John Boyd, who openly expressed his indignation, and, according to report, threatened the life of one or two of Powers' friends.

Mike Powers was a recognized gold miner. In 1876, he led a group of 8 or 9 prospectors around Taku River. Mike Powers also signed the petition to Congress.

But something about Mike Powers upset John Boyd, so he sided with West. Said the Daily Colonist newspaper of Victoria, British Columbia:

John Boyd... went into the house of a cooper named McCully to procure a piece of raw beef to put on the eye of one of the pugilists. Whilst there he used bad language and to all intents and purposes was spoiling for a fight... Having got the piece of meat for the injured man, Boyd proceeded to Daicker's Saloon, where he threatened to kill any man who was a friend of Powers and commenced to abuse McCully.¹⁰

Said the National Police Gazette:

...it seems that one or two men, who had become incensed at the threats made by Boyd, accosted him in the saloon. A quarrel ensued. When they separated Boyd left the saloon, and, returning in a few minutes, dared any one around "to lay a hand on him now."

This is the moment Thomas O'Brien enters the story. The Daily Colonist described the tense moment in Daicker's Saloon like this:

Thomas O'Brien, who was well acquainted with Boyd, approached him in a friendly manner and asked him what ailed him, at the same time placing a hand on his shoulder and telling him that there was no occasion to call everybody he met hard names. O'Brien did not anticipate trouble with him, but directly he had given him these few words of friendly advice Boyd drew the full-cocked pistol from the breast pocket of his

¹⁰ Daily Colonist, 12-24-1878, p. 3.

coat, placed it against O'Brien's heart, fired and killed him on the spot.

In the version told by the National Police Gazette, Thomas O'Brien was drunk, took ahold of Boyd's coat "in the most friendly manner," and said, "You would not hurt a friend of mine?" before Boyd shot him, killing him instantly. The account continued:

He then attempted to fire again, but several rushed up, knocked him down, disarmed and bound him, Boyd exclaiming, "I've seen one of the [expletive] to hell!"

Other writers would offer their own rationale for why Boyd shot O'Brien. "Whiskey and a woman some say was the cause," wrote Clarence Andrews. Reverend S. Hall Young attributed it to Boyd being full of "forty-rod" and jealousy.¹¹

In the immediate aftermath of the death of Thomas O'Brien, the patrons of Daicker's Saloon scrambled and spread the word of what happened. As lawless and wild as Fort Wrangel was, cold-blooded murder in public view set off a wave of fear. Both victim and killer were well known, and known to each other. If Boyd could kill O'Brien with impunity, then nobody was safe.

But what to do with the murderer, John Boyd?

¹¹ S. Hall Young autobiography. p. 163.

Chapter 2. Due Process

A. S. Hall Young Hears About It

Fort Wrangel's only pastor, the Reverend S. Hall Young, was boarding a steamship for Sitka, when he heard the tragic news that Thomas O'Brien lay dead, struck in the heart by John Boyd's bullet. Reverend Young debated staying in Fort Wrangel, but quickly chose to board the steamship anyway. He had important business to attend in Sitka: his own wedding. He had already missed his wedding date the month before to Fannie Kellogg, when he missed the steamship to Sitka. He wouldn't miss it again. As Reverend Young described it, he was eager to "abandon the loneliness of celibacy for the companionship of matrimony."

The mortal remains of Thomas O'Brien could wait until Reverend Young got back.

B. A Lynching?

Fort Wrangel had no sheriff. No judges or courthouse. Said the Daily Colonist, "Immediately the gravity of the crime became known the citizens of Fort Wrangel threatened to seize Boyd and lynch him." In fact, the different accounts agree that the first impulse was to immediately lynch John Boyd.

The 1870s are firmly within the era of lynching as a common practice in the United States. Lynchings were an act of mob violence, outside of any judicial process. Lynchings might be carried out anonymously, or they might be public spectacles. Lynching came West with settlers, and Alaska was no exception.

But John Boyd would not be lynched immediately. Said the National Police Gazette said, "Lynch law was then the cry; but the counsels of the less excited prevailed."

Said the Reverend H.P. Corser in his history of Wrangell:

Right then and there, there would have been a lynching, if it had not been for the bravery of Fred Lynch and one or two others. Boyd was rescued and jailed.¹²

¹² HP Corser. Totem Lore of the Alaska Indians. p. 22.

C. Crittenden

Instead of lynching John Boyd, the miners in Fort Wrangel turned to the one man who any government title at all: Rudolph Crittenden, the new deputy Collector of Customs, who had hardly been in Fort Wrangel a few months.

Crittenden went by “Colonel Crittenden” based on his past service in the southern Confederacy. He was 50, well-educated and had training as a lawyer. After the Civil War, he moved out West, serving as Sheriff of Fresno, and serving two terms in the California senate. He was almost appointed Governor of Alaska, but settled for the government job of Deputy Collector of Customs.¹³

Now late in the cold, wintery evening, the miners in Fort Wrangel brought Boyd before Deputy Collector Crittenden. He heard the facts and considered his role and responsibility.

Crittenden declined to act at all. As he saw it, the role of Deputy Collector was limited. His job was to ensure that the government collected its duties, tariffs, and taxes. According to the Daily Colonist,

Col. Crittenden declined, stating that he had no jurisdiction in the case, and informed the citizens that they were the law.

In all capital letters, The National Police Gazette described Crittenden as having “no more power than a sick child.”

D. Trial

Rudolph Crittenden washed his hands of John Boyd, and put the responsibility squarely with the miners.

The concept of “Miner’s Law” had been around a while. Mining camps were often crowded, temporary, and poorly supported by governments. Miners might self-organize committees to fight crime. In another twenty years, the last stand of Soapy Smith would happen as he attempted to interrupt a miner’s meeting about himself. Like lynching, Miner’s Law was not part of the judicial process, but it existed in the minds of the people who lived it.

¹³ Stikine River Journal by Patricia A. Neal, p. 115-6.

According to the Daily Alta, before retiring for the night, the miners formed a committee and officially took charge of John Boyd. The next morning, the miners met and selected George Nowell as the chair of their committee. Nowell was empowered to select the judges, three well-respected local Wrangell merchants: W.J. Stephens, I. Frohman, and David Flannery. The last, Flannery, had been Fort Wrangel's deputy Collector of Customs from 1870 to 1874 when he quit to join the gold rush.

The different written accounts all agree that John Boyd was allowed to select his own defense lawyer and his own jurors. As his defense layer, John Boyd selected 30 year-old Scotsman, gold miner, and former Army soldier, Duncan McKinnon.

There is no complete account of the trial, but brief summaries. It occurred on Sunday, December 15, 1878. Said the National Police Gazette:

...many witnesses were examined, eliciting no testimony favorable to the prisoner, but everything conclusive of a diabolical, unjustified murder.

Said the Daily Colonist,

Having heard the evidence the jury retired for consultation and after an absence of three quarters of an hour brought in a verdict of "guilty of murder in the first degree." The death sentence was then passed...

The panel of three Wrangel businessmen serving as judges sentenced John Boyd to death. Execution was set for shortly after sunrise the next day, December 16.

It would be the second execution in Alaska under the United States.

Chapter 3. Execution

A. Last Night

John Boyd's last night on earth was not necessarily a quiet one. According to Reverend S. Hall Young,

...In my absence, they sent for Mrs. McFarland, and she visited the terrified prisoner, and prayed with him as best she could. He was a coward, as such men usually are, and did nothing but beg for his life.¹⁴

The memory of John Boyd etched in Amanda McFarland's mind. She was brought to Fort Wrangel with stories about helping Native girls, and to minister to the community's Tlingit congregation. John Boyd did not exactly fit the mold of her area of interest, but she took pity on him.

Twenty years later, Amanda McFarland recalled John Boyd's last night on earth:

When murder was committed by one white man shooting another...I being sent for three times during the last night by the poor, wretched man to talk and pray with him. He told me he had not heard a prayer for twenty years or longer. Such scenes as this were very trying to me, but pleasant and joyous intermingle with sad ones.¹⁵

The Daily Colonist wrote,

A confession he made a short time before he was hanged is said to be full of dreadful details. It has not yet been made public.

B. Gallows

The sun rose over clear skies in Fort Wrangel on Monday, December 16 at 8:18am. With less than seven hours of daylight, it was one of the shortest days of the year. For John Boyd, it would be shorter than most.

An armed gang of 40 awaited John Boyd at the site of the planned hanging, to ensure a peaceful execution.¹⁶

¹⁴ S. Hall Young autobiography. p. 163.

¹⁵ The Northern Light, May 1879. From Northern Light book, pt. 1. Page 60.

¹⁶ Daily Colonist

According to the National Police Gazette:

A short while before the appointed hour, Boyd asked for liquor and water, which were given him, and after smoking a cigar said, "I am ready." He followed the guard with a firm step, and at half-past nine ascended the scaffold...

The scaffold (erected directly in front of the scene of the murder) was roughly made, but strong and very practical, having a spring trap and a fall of four feet...

He was perfectly resigned and cool, and being asked if he had anything to say, merely said, "he was sorry, and that he had not intended killing O'Brien." The noose was then adjusted, the black cap drawn over his eyes, and at a signal from the captain of the guard, John Boyd was launched into the dread eternity... He died without a struggle, without a twitch of a muscle, the fall instantly breaking his neck.

But the Reverend S. Hall Young recollected a far more gruesome version of the execution of John Boyd. Said Young:

At the appointed time the prisoner was led to the rude gallows, consisting of a couple of poles and a crosspiece, hastily erected. A long rope was procured and a noose placed around the prisoner's neck, and the rope was thrown over the gallows. Then every man on the beach, white or native, was compelled to take hold of the rope; at a given signal they rushed up the beach, jerked the man in the air and held him there until he was pronounced dead.¹⁷

C. Rest In Peace

In the days after John Boyd's execution, Reverend S. Hall Young returned to Fort Wrangel in the company of his new bride, the former Fannie Kellogg. This was the start of their new life together in Fort Wrangel. They were welcomed with this:

On my return to Wrangell I found the duty awaiting me of burying the man who was shot and the murderer, in one ceremony. Coffins had been crudely constructed, and those who remained at Fort Wrangell all turned out to the funeral.¹⁸

¹⁷ S. Hall Young autobiography, p. 164.

¹⁸ Hall Young of Alaska, p. 164.

Young reports that he and Deputy Collector Crittenden sent the “court proceedings” by steamship to the US District Court Judge out of Portland Oregon, Matthew Deady. Young recalled the judge’s reply, praising the work of the miners. The judge said:

The miners of the North can always be depended upon to do the right thing in a case like that, and do it speedily. It would be well if our organized courts were as prompt and as just.¹⁹

The hanging summoned echoes of the past. Nine years before, the first execution in Alaska under the United States also happened in December by hanging in Fort Wrangel in full view of the entire Tlingit village. The prisoner was Scutdoo, a Tlingit man who shot and killed trader Leon Smith, as retribution for the Army’s shooting death of Scutdoo’s sons. It brought an end to the event known as the Bombardment of Wrangel.

Of the 12 executions in the history of Alaska under the United States, the first two were in Fort Wrangel, the second being John Boyd.²⁰

¹⁹ Hall Young of Alaska. p. 164.

²⁰ DeathPenaltyUSA pdf export

Chapter 4. Life Goes On

The long December of 1878 came to an end when the steamship finally arrived, taking the huddled masses of gold miners south, to homes far away. They carried with them the incredible story of a murder, trial, and execution in the lawless frontier. The Daily Colonist published its account in late December 1879, and the National Police Gazette followed in January 1880. Newspapers around the country ran a brief clipping about this story of crime and punishment in far away Alaska. John Boyd was national news.

Most of the people named in the story moved on, seeking fortune elsewhere, never to return to Fort Wrangel. Charles Daicker and his wife and son went back to Sitka, running a meat market on Lincoln Street.²¹ When Charles Daicker died, the locals of Sitka up a collection to care for his wife, who could not care for herself.

Some of the names mentioned in the story—Fred Lynch, Duncan McKinnon, and Rudolph Crittenden—were new to Fort Wrangel, but they stuck around. They became Fort Wrangel’s business and civic leaders, taking control of Fort Wrangel’s destiny. Each of them has a street named for them in Wrangell today. Each one aged into a Wrangell old-timer, with the story to tell the young ones about the lesson of John Boyd and Thomas O’Brien.

Was John Boyd lynched? Or did he receive justice? Claus M. Naske and Herman E. Slotnick, writing in *Alaska: A History*, call this “the region’s first lynching.”

For the people in Fort Wrangel who witnessed the tragedy unfold, it was the fulfillment of their darkest fears. A line from the petition signed by John Boyd, Charles Daicker, Mike Powers, and scores of Fort Wrangel men predicted this type of event, and the outcome it would force. It read:

Such want of law... is also calculated to tempt those who conceive that they have grievances to take the law into their own hands and convert might into right.

²¹ Alaskan_1888-08-11_[2]