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THE CRIME AND HANGING OF DAMON

A paper prepared and read

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THE CRIME AND HANGING OF DAMON

The twenty-fourth day of April, 1834, was the one hundredth anniversary of the commission of a crime which shocked the moral sense of every resident, caused the most celebrated trial and resulted in the only public hanging ever held in this county, and, incidentally, was about the last trial held in the old Court House, (then about to be abandoned and torn down) and was also the last public hanging in the state of New York.

About four o'clock in the afternoon, on the twenty-fourth of April, 1834, a man named North Damon hastened into the village of Fredonia in great excitement, and requested Doctors Walworth and Crosby to go immediately to the residence of his brother Joseph, who lived about three miles south of Fredonia and near the center of the township of Pomfret, not far from what is now known as Norton's Switch on the D. A. V. & P. Railroad, (the Valley Division of the New York Central Railroad).

Upon arrival there, the doctors found an assemblage of excited and horror-stricken neighbors. When they entered the house they saw the dying wife of Joseph Damon lying upon a bed in a corner of the room. Her head and the pillow on which it rested were clotted with blood. Damon stood near by, stained with the evidence of his guilt. An iron poker, which stood by the fireplace, gave mute evidence of being the instrument with which the crime was committed. Doctor Benjamin Walworth, who was a judge of the county court, had Damon taken into custody immediately. Five months later, at the term of court held in September, 1834, Damon was indicted and arraigned for trial for murder.

By the evidence given at the trial, it appeared that Joseph Damon and his brothers were engaged in the business of quarrying and cutting stone at a place about a quarter of a mile distant from his home; that he was a rough, drinking man, and there was some evidence that ~~at~~ ¹ times he treated his wife cruelly.

Late in the afternoon of the day of the murder, Joseph went to the home of his parents, a few rods away, and upbraided them and his brother Martin, for making disturbance in his family and upholding his wife. He soon went out, and a few minutes later called to Martin, and said, "For God's sake, come in, I am afraid I have killed my wife." Martin immediately went into the house and found Mrs. Damon lying upon the floor, bearing marks of many violent blows and bleeding profusely from wounds upon her head. The two children of Damon, a girl aged eleven and a boy somewhat younger, were just outside the house, but were not sworn on the trial. This is substantially all that is known about the murder.

The pioneers of Chautauqua county were honest, God-fearing men and women who possessed a strong sense of justice. More than thirty years had passed since the first settlement, and no great crime had been committed by any citizen. The Damon murder was a severe shock to these people, feeling ran high, they clamored for justice in the form of retribution.

Addison Gardner, circuit judge of the Eighth Circuit, presided at the trial. Philo Orton, Thomas B. Campbell, Benjamin Walworth, and Artemus Hearick, county judges, were associated with him. Sheldon Smith, a talented lawyer of Jamestown, was the principal counsel in the prosecution of Damon. Judge James Mullett was counsel for the defense. Jacob Houghton opened the case for the prisoner and James Mullett closed the case in his behalf. Samuel A. Brown, of Jamestown, the district attorney, opened the case to the jury, which was composed of the following prominent citizens of the county; Solomon Jones, Thomas Quigley, Aretus Smith, Walter Woodward, Don S. Downer, Anson R. Wyllis, Daniel S. Richmond, Thomas R. Treat, Samuel S. Forbush, Isaac Cornell, Harvey Eggleston and Nathan A. Alexander.

Judge James Mullett was the most conspicuous member of the Chautauqua County bar, he was popular among the early settlers who were justly proud of his talents and accomplishments. His eloquent plea in defense of Damon contributed to render the case

memorable, and his address to the jury was probably the most eloquent and powerful one that had ever been delivered at the bar of Chautauqua county.

The lucid charge of the judge, the able argument of the counsel for the people, and the common sense of the jury, rendered the powerful effort of Judge Mullett to save the life of a human being, unavailing. Damon was convicted of murder. The exceptions taken to some of the rulings of the court on the trial were reviewed by the supreme court, without a favorable result to the prisoner. Sentence of death was pronounced at the oyer and terminer held in March, 1835, and "the 15th day of May following" was appointed for his execution.

At the time fixed, a great crowd of people, estimated at from ten to fifteen thousand, including many women, and comprising more than one-fourth the population of the county, assembled at Mayville. The execution took place in an open field at Mayville, on the west declivity of the hill, not far from the school building, and on the easterly side of the street extending westerly from the courthouse. The sheriff, William Saxton, called out the 207th Regiment of militia, commanded by Colonel William D. Bond, to serve as guard on this occasion. Elder Sawyer, at the request of Damon, preached at the gallows the customary sermon from the eleventh chapter of Proverbs, XIX verse. "So he, that pursueth evil, pursueth it to his own death." At the gallows Damon had considerable to say; among other things he claimed he was unconscious at the time he committed the crime. When the drop fell, the fastenings to the rope gave way, and Damon fell to the ground. He appealed to the sheriff to suspend his punishment, but the rope was readjusted, and the hanging completed. The extraordinary occasion, the incidents of the execution, and the solemn sermon of Elder Sawyer, made a deep impression on those present at the melancholy scene.

The hanging of Damon was a subject of so much interest at the time, and since, that a few more facts respecting Damon and his relatives may be of interest. Joseph Damon was born at Worcester,

Mass., in 1800. He was the son of Stephen and Hannah Damon. He came with his parents and his three brothers, Stephen, Martin and North, to Chautauqua county in 1816. Martin was the most respectable of the family, and his work proves him to have been a man of ability in his business, possessing skill and taste. He was a stone cutter, and fashioned many of the gravestones that are seen in the early burial places of the county, particularly the old cemetery at Fredonia. These gravestones are readily recognized by the style of the work, as well as the material out of which they are made. Unfortunately, these fine specimens of early skill are today splitting and crumbling, and the time is not far distant when they will have disappeared completely. There was a unique and almost grotesque specimen of his work in the old cemetery at Fredonia. Upon an ancient stone set at the grave of Captain Thomas Abell, who died in 1814, he has represented the Day of Judgment. The angel Gabriel is seated on a great cloud, with a large trumpet nearly as long his body, out of which issues the words, "Ye dead arise," "Come to Judgment". Other angels are seated on the cloud, hiding their faces in their hands as if weeping. Beneath them, tombstones are represented as falling into confusion, and the dead, with bald heads and curious chubby faces, appear to be ascending out of open graves. The execution of this remarkable design was fine, much of the work being in high relief. In 1910, Helen Abell Denny, a great-granddaughter of Captain Abell, had an exact reproduction of this headstone erected in its place, where it may be seen today.

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Clayton B. Sampson