

The Murder of James P. Murphy

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THE PLACER HERALD

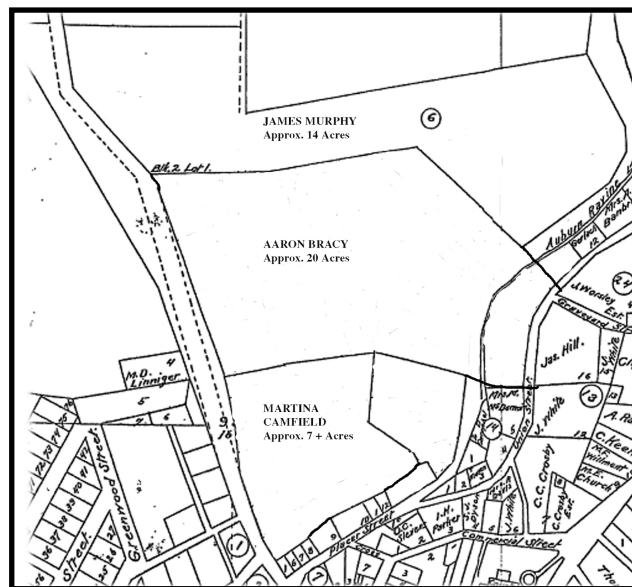
AUBURN, FEBRUARY, 20, 1858

Author's Comments in Italics

A Citizen Murdered-the Jail broken open by a Mob and the Murderer hung.

Our town was the scene of great excitement on Thursday afternoon and night (*February 18*) caused by the murder of one of our oldest citizens and the subsequent breaking open of the jail and the hanging of the culprit by a mob. The details of the tragedy so far as we have been able to gather them, are as follows: Mr. James Murphy, (the murdered man) was the proprietor of a piece of land on the outskirts of town that adjoined a small ranch claimed by a negro named Aaron Bracey.

James P. Murphy's tract of fourteen acres lay north of today's Chamberlain Avenue. This property was often referred to as the brickyard lot and was where Murphy and his partner fired their brick kiln. The westernmost portion of his tract

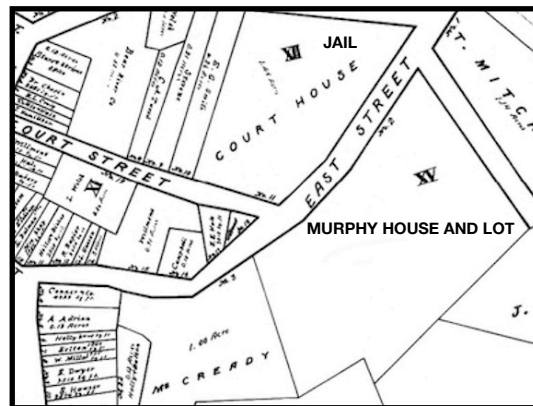


was sold to the IOOF in 1866 and later became the southern half of the "Old Auburn Cemetery." Bracey's land claim of 1854 was the adjoining twenty acres immediately south of the Chamberlain Avenue line and extended eastwards from Nevada Street to Auburn Ravine.

Murphy had lately enlarged his tract by purchasing a strip of land from the negro, and upon the day of the tragedy, Bracey was engaged in digging post holes, as we are informed, upon the land he had recently sold.

After days of rain the weather had turned warm, even springlike, and it was said the fruit buds had taken a rapid and early start. A large number of fruit and shade trees had recently been planted. Downtown, Henson Hasell was moving his Drug Store in Holmes' building to his new room over Munsell's wagon shop, in the center block. Several days previously Wm. F. Brittain opened his new meat market with much fanfare, champagne and good humor. That evening the much anticipated popular dramatic entertainment of Mr. and Mrs. E. S. Conner was to take place at the Empire Hotel. No one could possibly have imagined the series of events about to be initiated.

Mr. Murphy having observed that work was being done near the respective boundaries, went to the the place, when shortly afterwards the negro came to the Court House seeking the officers, wanting to deliver himself up, stating that he had struck Murphy with a pick, and believed he had hurt him badly. Several of the officers and number of other persons hastened immediately to the place indicated by Bracey, where they found Mr. Murphy lying upon the ground, in great agony, with his hands clasping his head, through which blood and brains were issuing. He had been struck with one of the points of the pick, which had crushed through the skull and penetrated deep in the brain. He was immediately conveyed to his residence, where the the wound was examined and dressed by several physicians.



The Murphy's residence, since 1853, was located on two acres on East Street (now Lincoln Way), just steps away from the jail. Several years earlier Murphy (bn. 1829) and his partner, James McGinley (bn. 1824), both native born Irishmen, joined the California Gold Rush from Providence, Rhode Island. Sources indicate they left the eastern states in November of 1849 and arrived in this area in early

1850. In less than a year, Murphy was set up to sell liquor at Doty's Flat (Ophir). In the fall of 1852 the business had expanded to sell both liquor and merchandise. A deed from March of 1853 informs us that Murphy and McGinley had been running a small hotel or saloon when they sold their "house, stable, beds and bedding, bar and fixtures at Doty's Flat" for \$1100.

The wound was probed two inches and a half in depth, and a number of fragments of the skull taken out that had been splintered off. Although far gone and very weak, Mr. Murphy was entirely conscious, and after the dressing of the wound, his affirmation of the circumstances was taken by Justice Love; the substance of which was, that he had gone upon the ground, had had a conversation with Bracey, but no quarrel, and was in the act of leaving, not apprehending any violence, when the negro struck him the blow with the pick. From the location of the wound (being on the back of the head) it is certain that Murphy received the blow when his back was turned. The negro's statement was, that in raising the pick to strike, it slipped from his hand and inflicted a wound he did not intend. This was palpably a falsehood, as it was but too evident the blow was given with a willing and sure hand-the assassin made but too sure of his victim.

Upon dressing the wound a considerable amount of the brain came out. The hole in the skull was about the size of a dollar. Notwithstanding the dreadful character of the wound, the sufferer is yet alive, but there is not possibility of his living. The physicians say that, he may survive several days but his death is looked for at every moment.

Thus has another victim been added to the long and fearful catalogue of California Crime. The husband and the father, a useful and energetic citizen, is cut down by an assassin's hand in the full prime and pride of manhood.

Murphy had been in Auburn but a short time when he left McGinley in charge of their business and returned to Providence for his wife Ann (Duffy) (bn. 1829) and their daughter, Arametha (bn. 1848), and brought them back to Auburn where they appeared in the 1852 census. Their daughter, Mary Ann, was born in 1856 and Ann gave birth to Elizabeth four months after Murphy was struck down.

In an unsuspecting moment the stealthy hand of murder has placed the death-seal upon the brow of him who was the joy of a happy household, and robbed community of a valuable member.

When Murphy is referred to as one of the "oldest citizens" the comment is regarding his years in Auburn. Even at this early date few of Auburn's 49ers were still here. The easy gold was gone, as were most of the early miners, and of those that stayed behind, many had reverted to a prior means of livelihood. At the same time, there were many in the community who didn't completely abandon the allure

of gold and continued, as did Murphy and his partners, to dabble at mining. At his death he owned a 1/4 share in a claim at Whiskey Bar in El Dorado Co. and a 1/5 share in another claim on Horse Shoe Bar. While both were paying claims, James Murphy and his partner were primarily known for their expertise as brick masons. It was reported in the Placer Herald that both Murphy and McGinley were also active in Democratic politics in 1856 and 57, Murphy being an Auburn delegate to the County Democratic Central Committee. In addition Murphy served on the County's Grand Jury of 1855.

It is to be wondered at then, in a case like this, that the public mind should have become greatly excited, and the feelings of sympathising friends break over the restraints imposed by the laws, and embark in the summary proceedings that were afterward enacted.

The negro on giving himself up was placed in jail. No immediate violence was offered, and although all believed he deserved to be punished with death, no action of a violent nature seemed to be in progress. In the evening Sheriff King became apprehensive that an attempt would be made to take Bracey from the jail by violence, and thought of summoning a posse to resist such an attempt; but having taken every means, with the aid of his officers and others, to ascertain the state of public feeling, and finding no demonstrations, either by words or action, of a resort to violent measures (the town throughout the evening having its usual quiet and order,) he saw no occasion for such a move.

In the early part of the evening, a rumor gained currency that Bracey had been removed from jail by the Sheriff, and the friends of Mr. Murphy were considerably excited. But upon the Sheriff taking one of their number to the jail, and showing him that the prisoner was securely locked in a cell, all apprehensions of an escape seemed to die away.

Not mentioned, but known to everyone in town that night, this jail was nearly new and a very substantial one it was - with outside dimensions of 35 feet by 48 feet and two stories high. The lower story had walls of at least three feet in thickness with 8 cells. The front door was a 3 1/2 feet by 6 feet grate door on inside and double fire proof doors on outside made of the best quality of Boiler Iron. The County Board of Supervisors had recently entered into an agreement on the sixth day of August in 1855 for the sum of eleven thousand dollars for a new county jail. The contract was with James Murphy, James McGinley & H. T. Holmes composing the firm of Murphy & Co. The bricks for the construction came from Murphy's brickyard lot, just north of Bracey's farm.

The evening and night passed off quietly,

With one exception, and as if nothing out of the ordinary had taken place, Mr. and Mrs. Edward S. Conners, the "favorite Tragedian and Comedian," and his wife the "Actress and Authoress" carried on with a performance at the Empire Hotel. The audiences was said to have been pleased with just a few regrets that it wasn't the full touring company which at various times included Mr. and Mrs. Junius Brutus Booth, Lola Montez and Rowena Granice. This was their second performance in less than two weeks and another was scheduled for a later date. They were greeted with a full house on their appearance. It is easy to imagine the audience gathered outside the Empire Hotel both before and after the evening's performance and discussing the day's events.

until half past two o'clock on Friday morning, when Constable Boggs who had been on the watch, informed the Sheriff that a body of men were about to force the jail yard and jail. The Sheriff immediately rushed down the stairs, from his room, to check the movement, but was caught by three or four persons as soon as he made his appearance on the Court House steps; he broke loose, however, and succeeded, in getting through the gate, at the same time with the mob who had broken it open, and reached the jail door, when a pistol was presented to his breast by a man who appeared to be acting in the character of a leader, and the keys of the jail demanded. At the same time the Sheriff was again seized by persons in the crowd, as well as each of the deputies who had rallied to the protection of the jail, and borne back and each held so firmly that they were unable to make any defense. In the meanwhile vigorous arms broke the padlocks of the two iron doors, with sledges, secured Bracey took him a short distance out of town and hung him upon the limb of a tree. From the time the mob bursted into the jail yard, until they left it with the culprit, did not exceed ten or fifteen minutes. They seemed to have perfected their arrangements for a successful foray upon the jail, being provided with black smith sledges, lights, and a rope for hanging, and succeeding in pinioning the officers before they were able to make any successful resistance. When the attack was made the bell of the Court House was rung by one of the officers to summon assistance; but few of our citizens reached the ground before the crowd had left.

After Bracey had been taken from the jail, and while on the way to the place of execution, Father Quin, who had arrived from Sacramento to see Mr. Murphy, made strenuous exertions to prevent the hanging, but his utmost efforts proved unavailing.

Father John Quinn (1825 - 1864) was at this time rector of St. Rose Catholic Church in Sacramento. He also served the Catholics in the Auburn area who were as yet without a church. We can imagine his arrival on horseback or one of the daily stage coaches from Sacramento. While providing comfort to Murphy and his family in their home he, because of the close proximity, would have been well

aware of the commotion across the street at the jail where he made his unsuccessful effort to intervene.

Of those immediately engaged in the attack upon the jail, the numbers are estimated from sixty to seventy five. Their success is wholly attributed to the secrecy and promptness of the movement. We are informed by the Sheriff that he did not recognize any of our own citizens engaged in the attack, or any person that he personally knew; but some of the men he had seen before.

The Sheriff's statement is hardly credible. Sheriff King would have the newsman believe that he, his deputies, Under Sheriff Bullock and Constable Boggs all failed to recognize anyone in the crowd. A town (less than 1500) with a sizeable Irish population and not a one of them showed up; not his brother, Stephen; not his partner James McGinley nor any of his good friends like John Fogarty? Only strangers? Or rather, was the Sheriff's message something entirely different? He certainly did not persue any further investigation.

The Sheriff and his deputies done all in their power to prevent the taking of the prisoner, but from the above it will be seen their efforts were fruitless. The only serious violence threatened the officers was by the man who drew the pistol up the Sheriff.

Constable Boggs gave the Sheriff every assistance in his power in resisting the mob and preventing their forcing the jail, but he was seized and held fast at the same time as the other officers.

By the time the preparations were made for hanging Bracey, at the place selected, the crowd had increased to upwards of a hundred; the majority of whom were spectators, taking no part in the proceedings. Before he was hung, the lights were blown out and it is not known who were the executioners.

Mrs. Gladys Becker recalled her grandmother, Mrs. Alden Radcliffe, telling how Bracy was dragged past her house, down East Street to an open field, opposite the present Veterans Memorial Hall, where he was lynched.

Bracey was the same negro who killed a Chinaman in the spring of 1856 in this place, and was subsequently acquitted.

The hanging was the subject of general conversation on the streets yesterday, but no excitement prevailed. While all admitted the justness of the fate of the criminal, many deprecated the manner of punishment. The precedent is most unfortunate, and one to be much lamented. Acts of the kind are calculated to weaken respect for law, and pave the way for most disastrous consequences to society.

It is better to trust to the faithful execution of the laws, than to the dangerous and uncertain temper of mob violence. The citizens of our county have generally been content to await the action of the law, having confidence in its faithful administration and this is the first time that a prisoner has ever been forcibly taken from our officers. We earnestly hope it may be the last.

27 Feb 1858, Placer Herald

Mr. James Murphy expired on Thursday morning (Feb. 25), at 3 o'clock, after lingering nearly a week under the murderous blow inflicted by Bracey. The funeral ceremonies took place yesterday afternoon from his residence. An immense concourse of people followed the remains to their last resting place. During the ceremonies the business houses of the town were all closed.

The deceased leaves a wife and two children.

16 Mar 1858, The Sacramento Bee

BRACEY'S PROPERTY. - The house of Bracey, the negro who was lately hanged by the Auburn mob, was set fire to, a few nights since, and destroyed. His ranch has been jumped, and his brother, who is there looking after his property, can find none.

16 Sep 1859, Probate of James Murphy

In the accounting of James Murphy's estate it includes the land previously owned by Aaron Bracey. A form of restitution?

In October of 1859, James McGinley and his crew set to work constructing a new home for the widow Murphy on her brickyard lot. When it was completed in April of 1860 it was said to have been the finest house in town. This was largely due the craftsmanship of McGinley, a sample of whose work can be seen in the brick work of the Willment building on the corner of Commercial and Court

Streets. In the month after Ann moved into her new home in 1860, her father died and was buried in the local cemetery and in November, she married John Fogarty, a long time family friend. They would have a set of twins, George and Emily, the following year. John, an early business associate of Leland Stanford and livery stable owner, later worked as a track inspector for the railroad and Ann took up farming on some of her land. After a long life in Auburn, Ann passed away in 1903, and was noted "for her charitableness and public spirit, and devoted to her church."

In the summer of 1862 James Murphy's brother, Stephen, left California to return to County Monaghan in Ireland. His ten year history here was marked by one success after another. This he had in common with James. On his arrival he

worked for the Bear River Ditch Company and then mined on Secret Ravine and finally took up farming on Crow's Flat (east of present day Loomis). At the time of his departure his farm was one of the largest in the area at 480 acres with 100 acres in oats, a mature orchard, 30 head of cattle, 75 head of hogs and more. Not surprisingly, by the 1870s he was a large landholder in his native Ireland and although he never returned to Placer County he maintained contact with a number of people here. W. J. Wilson Sr., of Newcastle, even paid him a visit in 1890. Obituaries for both he and his wife appeared in the Placer Herald. I like to think that he also carried on a correspondance with Ann.

It should be mentioned that an event such as this was exceedingly rare in Auburn; the murder and even more so, the lynching. There had been four lynchings in the county previous to this one and just one of those in Auburn on 25 Dec 1850. The only one nearby was one that took place in Christian Valley in 1855.

The following is a recollection of some 25 years later.

2 June 1883 Placer Herald

LETTER FROM AN OLD AUBURNITE. John Atkinson

... While (my father was engaged in sharpening his axe) a man passing by inquired. Uncle John, what are you going to do now?" He answered, "I am sharpening this axe to go on the old lot and cut some wood, and I may kill Bracey before I get back." It was just after dinner on a hot, sultry day, and with axes, maul and wedges we started up the turnpike road for the lot. The house in which Mrs. Fogarty now lives had not then been built. At the foot of the ravine north of her home stood a cabin in which Bracey, a colored man lived. He was regarded as a bold, bad, deperate negro. Father had owned the old brick yard lot and land north of the ravine. James Murphy became the owner of the former and Bracey of the latter, father reserving at the time of the sale some logs and other dead timber on the lot, and it was these logs we were going to cut this afternoon. A few months before this on his lot Bracey and father had a controversy as to what logs had been reserved. It was about dusk, and Bracey with a heavy cudgel in his hand kept advancing toward him in a sneaking manner, until father, with uplifted axe in hand, bid him not to advance further or he would strike him down. They were alone at the time and father afterwards told me that he believed the possession of the axe at that time, alone saved his life. It was on account of this occurance, Bracey's well known murderous disposition, and the fact that he killed a Chinaman, that impelled father to answer the inquiry as above stated. When about fifty yards from the ravine we saw Bracey running up the hillside, father exclaimed, "drop those tools boy, and follow me, that fellow has been doing something wrong." I did as commanded and a short distance up the ravine we

found James Murphy lying on his back, with his brains oozing out from between his fingers, which were clasped over a wicked wound in his skull. Bracey was taken to jail and Mr. Murphy was taken to his home. Drs. Thomas and Bronson pronounced the wound fatal. The news of the assassination spread like wildfire and shadowed every countenance with gloom, the unfortunate victim was known as an esteemed citizen, indulgent parent, and affectionate husband. The doctors' opinion as to the fatality of the would aroused the populace to such an intensity of feeling that justice must be meted out speedily, that a comparison of views culminated in a determination to hang Bracey that night. There was no loud boasting or mob violence, but a unity of sentiment that an unprovoked murder had been committed and that the laws delays should not be awaited to exemplify the Scriptural teaching, "Whoso sheddeth man's blood, by man also shall his blood be shed." At midnight the citizens entered the jail and took Bracey out clothed only in his shirt and pantaloons. They walked him to a spot near where the County Hospital stands and hung him to a tall pine tree. In the darkness of the night the noose was at first adjusted under his nose instead of under his chin, and he was suspended in this way for some ten minutes. He had been hanging long enough to be dead when a guttural sound informed his executioners he was still alive. The rope was lowered, the noose properly adjusted, and Bracey paid the penalty of his brutal crime with his life. His remains were cut down the afternoon of the following day. While as a rule lynch law is not to be commended, there are instances, of which hanging of Bracey is one, where it is both justifiable and most effective. This sturdy pioneer justice, while not performed under the sanctity of a sentence imposed by a Court was none the less just. The details of the tragic event were never fully known as none but the two were present. It is supposed however that a dispute arose between the two as to some post holes which were being dug near the line dividing their lands and that as Murphy stepped down into the ravine to cross to the other side Bracey raised the pickaxe and struck him with it in the back of the head. ...

John Atkinson was about 10 years old when this event took place.

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2020