

Murder of Batty McCarthy and Trial of His Killer William Little 1916-1917

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Introduction



On the night of July 20th 1916, my maternal great-granduncle Batty McCarthy (right), a policeman in Butte, Montana, who was from Eyeries, in Cork's beautiful Beara Peninsula, came across a man being assaulted by another man, and after he intervened, he was shot and fatally wounded. Batty's murder caused outrage

in Butte, as the man who killed him, William Little (left), also an officer of the law, was on bail for a violent attack on another policeman months before, and it was feared he would eventually kill.

The purpose of this research topic is to present a balanced account of witness testimonies in order to piece together what happened on the night of Batty's murder.

Sources

Anaconda Standard February 28th 1917- Chronicling America

Butte Miner July 23rd 1916- provided by police historian Laura Stokes

Dying Statement of Batty McCarthy- written by Dan Molloy using Batty's words

Evaluation Of Sources

1. Anaconda Standard- the Anaconda Standard was one of Montana's most respected newspapers with a reputation for quality reporting. However, there was evidence of bias against Little in its descriptions of the investigation of McCarthy's murder and the trial. The paper was founded by Marcus Daly, an Irish born businessman who owned several copper mines around Butte under his company, Anaconda. Anaconda had enormous influence in Butte and had very pro-Irish, anti-socialist leanings, and the murder of an Irish policeman by a man with socialist connections would have horrified them.

2. Dying Statement of Batty McCarthy- while he was dying in hospital days after being shot, Attorney Dan Molloy visited Batty and took his statement. Since he could not write due to his injuries, Molloy took down what Batty told him word for word and used this to prosecute William Little, the killer. It was a vital primary source from the victim himself. However, witness testimonies conflicted with details in Batty's statement: Batty claimed Little reached his hand behind his back and shot him from

behind. No witness supported his claim. But because he named Little as the man who shot him, it was deemed as vital evidence.

3. Butte Miner- the Butte Miner newspaper was one of several newspapers operated by the Anaconda Company. It is reliable as a source due to the fact it provides entirely fact based information in its articles, and out of all newspapers seemed to have the most sympathy for Batty, with descriptions of his popularity among the Irish community in Butte and his reputation for fairness and his dedication to his job.

Essay

Victim's Background



On December 17th 1882, Kate McCarthy (nee O'Neill), wife of Jack Batt McCarthy, gave birth to the couple's firstborn child, Bartholomew or Batty, in Faunkill, Eyeries, County Cork. They had 11 more children: one, John, lived with Batty in Butte until his murder and testified against his killer. Another, Tim, was my great granddad. Out of the 12 McCarthy siblings, only Tim had children.

In 1904, Batty emigrated to the US, on board the SS Ivernia. He was joined by five of his siblings over the next eight years, and when John emigrated to the US in 1912 he and Batty moved to Butte, Montana. Batty worked in the Blackrock Mine before joining Butte Police Department in March 1916.

The Crime

On July 20th 1916, Frank Coutts, a friend of Batty McCarthy, was standing outside a saloon near the corner between Utah Avenue and Front Street. Batty staggered around the street corner. "What's the matter, Bart?" Coutts asked. "I'm shot, run and telephone the police station," Batty answered. Coutts sat Batty down on the curb and flagged down a car driven by W.A Sommers and he drove them to St. James' Hospital.

The saloon owner rang the police department and two officers, Jim Larkin and John Gerry, responded to the call. A second phone call was made to Undersheriff Wyman, from a man who claimed to be the shooter himself. When Larkin and Gerry arrived on Front Street, the shooter was still at the scene and he aimed his revolver at Larkin. Larkin tackled him to the ground and arrested him, and they were joined by Sheriff Henderson and Wyman a few minutes later. The shooter was taken to the jailhouse.

Batty underwent an operation, and initially was thought to be recovering but his health quickly declined. John McCarthy visited him in hospital several times. At 5 am on July 22nd, last rites were given to him and he gave a statement to Attorney Dan Molloy.

He passed away at 10.20 am that morning. The next day, his funeral was held, one of the largest ever held in Butte. The chief mourners were John McCarthy, Dan O'Neill (first cousin of Batty and John) and Bridget, Dan's wife.

Later that day, Judge Donlan charged William Little, an elected constable and former Texas Ranger, with the murder of Batty McCarthy and set a trial date for Spring 1917. Little was on bail at the time after he beat up and shot a policeman named Alf

Henderson in March 1916, an attack which left Henderson paralysed in both arms. After his arrest, Little had reacted angrily when his gun was seized and furiously denied that he shot Batty McCarthy in the back. He showed no remorse when he was told Batty had died. "I'm tired of having 'em try to run over me because I am small and I am an officer. I let the policeman have it all right," Little allegedly responded. "When I shot Henderson I could've killed him, but I didn't!"

The Trial

Little was represented by William Waugh, while the prosecutors were County Attorney Joseph Jackson and Frank Riley. The trial opened in February 1917 with Riley outlining his case: that Little attacked a Greek popcorn seller, George Gajekis, struck him with a revolver and shot Batty McCarthy when he tried to intervene. The prosecution sought a first degree murder conviction and the death penalty.

Dan Molloy, the first witness, read out Batty's dying statement to the court:

Dying Statement of Bat McCarthy

Thursday evening at 9.30 I was standing on the corner of Front and Utah Streets. I saw two men talking loudly at the corner. One of them had a gun in his hand. I walked over to where they were. Little had a gun in his right hand pointing downwards towards the sidewalk. I reached for the gun and he fired at me without a word. He reached his hand behind my back and fired. I had no gun in my hand and made no attempt to get mine or to hit him with my club. I said 'Give me that gun' that was all I said. He did not speak a word but fired. I don't know the man. I never saw him before.

(signed) Bat McCarthy

This evidence was crucial, it was a primary account from the victim himself. Waugh objected to this being used as evidence, but was overruled.

Seven more witnesses testified that day. Eli Stillwell, who owned a shop on the corner where Batty was shot, testified that he saw the confrontation between Gajekis, McCarthy and Little, he heard a shot and that when he ran outside to investigate Little told him he had fired the shot. Frank Coutts recounted how he helped bring Batty to hospital, and that both Batty's club and revolver were holstered. Dr McGinn described Batty's injuries and how he died when bacteria on the bullet infected his wounds. John McCarthy told the court how he visited his brother several times in hospital and identified a uniform shown in court as the one Batty wore when he left their home in Copper Street for duty on the fatal night. Waugh questioned John on his brother's citizenship, which he ignored and stepped down from the stand. John Gerry testified that one bullet was missing from Little's gun when he confiscated it at the crime scene. Court was adjourned until 4pm the next day.

On Day 2 of the trial, Waugh outlined the defending case: Little was serving legal papers to Gajekis to which Gajekis responded aggressively, and Little was then assaulted by Batty McCarthy, which caused Little to shoot him in self defence. Gajekis testified that Little had tried to serve him legal papers to seize his popcorn stand, that

Little became aggressive and interfered with the stand, and when Gajekis protested Little struck him on the head with his Colt pistol. "I'll kill you, I don't care if I go to prison," Little reportedly told Gajekis. Gajekis shouted at Batty, who walked over and attempted to confiscate Little's gun. Little stayed silent and he shot Batty.

Waugh caused uproar in the courtroom when he asked Gajekis if he had been bribed by Jackson, and backed down when Jackson stood up and challenged him. Seven members of the public who had witnessed the shooting testified after Gajekis. Out of the seven testimonies, two confirmed Gajekis had been assaulted, two stated Batty had grappled with Little briefly and two witnesses' testimonies rejected this, and two testified that Little showed Batty no police ID.

Jim Larkin described how he physically restrained Little while arresting him. Court was adjourned until 4.30 pm the next day.

Little testified on the last day of the trial. He described his life: born in Dallas, Texas, ran away from home aged 13, joined the Texas Rangers, moved to Butte, worked as security for Butte's socialist office, was elected constable for South Butte, married and had one son, and since separated from his wife.

Little claimed on the night of July 20th that he served legal papers to Gajekis twice, was insulted by Gajekis and Little then struck him with his gun. Little claimed he called Batty over and was punched in the jaw by Gajekis, before Batty allegedly struck him with his club. Little said he was scared Batty would hit him again and shot him in self defence. No witness reported seeing Batty use his club. Little spoke about his fascination with guns since his childhood. He added that he did not intend to kill Batty.

The trial concluded and the focus was now on the jury's verdict. After a few hours, the jury found William Little guilty of second degree murder. Judge O'Dwyer sentenced Little to 40-80 years in prison, effectively a life sentence. Little stood up and smiled as he was led out of the courtroom and taken to prison in Deer Lodge. As he was leaving the courtroom he offered John McCarthy no apology for taking the life of his brother. Little avoided a first degree conviction possibly due to uncertainty around Batty's citizenship and whether or not he legally should have been a policeman.

Jack Batt and Kate McCarthy, my great great grandparents, lost their firstborn son to this tragic crime. Batty's loss was the second of three tragedies to strike the family in a space of five years: the first was the death of Batty's teenage sister Elizabeth in 1912 and the third was the death of Jimmy, Batty's younger brother, in 1917 in WW1. As a result of these tragedies my great granddad Tim never spoke about his siblings or family history, except for one statement he made to my granduncle, which I learned about in 2021 and my curiosity about this led to me discovering the story of Batty McCarthy. The comment: "My brother was shot".



TO HIS MEMORY

**By coward's hand in manhood's early dawn
He died- we saw him breathe his last
And yet, we seem to doubt and stand aghast
With grief that one so graced with sturdy brawn
And full of eager life, should now have passed
Beyond his life torn out by bullet's blast
From lowlife cur with gun all ready drawn
But let the hound alone. We mourn today
Our friend, our pal, whose merry laughter rang
So frank and fresh among our jaded gang
And as we grieve with vengeful hearts today
That when his bloody slayed high we hang
Our Bart McCarthy's soul may hear the clang
Of multitudes of men in glad display**