

# Captain John J. Desmond | Ohio National Guard



Captain  
Desmond's  
Statue in  
the as it  
was in  
Lincoln Park

Age: 32

Served:  $12\frac{3}{4}$  years

Assistant Prosecuting Attorney – 1878 to 1880

Ohio National Guard – June 7, 1871 to March 29, 1884

## **OFFICER**

John was born May 5, 1852 in Cincinnati to Irish immigrants, John J. and Julia Theresa Desmond, Sr. We believe he attended parochial schools before attending St. Xavier and Mount St. Mary's Colleges.

John Sr. was a salesman of china, Queensware, and home furnishings. Between 1860 and 1867 the family lived at 330 Central Avenue (between Eighth and Ninth Streets), very near the new St. Peter in Chains Cathedral and where City Hall was built a few years later. His father was also very much involved in annual fundraisers for the Orphans Home around the corner from their home. Between 1870 and 1971, they lived in the same block at 310 Central Avenue, which included a storefront. John, Jr., was working there as a clerk. His father died when he was 18 years old on February 8, 1871 and he and his mother ran the business until at least 1879.

Also in 1871, June 7th, John enlisted in the Ohio Nation Guard.

He continued to live with his mother and also replaced his father in the Orphan Home projects. John was also highly active in his church and at the Cathedral. During 1876, at 24 years old, he participated as secretary of the planning commission for the Golden Jubilee celebration for Archbishop Purcell; the most senior archbishop in the world.

On July 3, 1876, John was promoted to First Lieutenant and Adjutant of the commanding officer of the First Regiment.

Later in that year, on October 19, 1876, he was admitted to practice law in Ohio. Eighteen months later, on April 11, 1878, John was appointed Hamilton County Assistant Prosecuting Attorney and continued to practice civil law in his private practice.

During 1879, John and his mother moved the business to 473 West Court Street and John worked as an attorney out of an office at 30 West Fourth Street. We believe he closed the housewares business and, during 1880, moved with his mother to 473 Baymiller Street. By March 1884, John and his mother were living at 37 Laurel Avenue.

On December 11, 1879, the First Regiment of the Ohio National Guard turned out for the purpose of taking part in a reception for General U. S. Grant, during which Lieutenant Desmond was promoted to Captain and assigned to command Company B.

By 1882, John was a partner in the firm, Healy (John C.), Brannan (J. D.), and Desmond. During 1880, he was elected delegate from the Sixteenth Ward to the Democratic State Convention. He also ran for Prosecuting Attorney. Failing election, he left his position as Assistant Prosecuting Attorney, probably involuntarily. He remained heavily involved in politics, however, and by the end of 1883 was considering a run for the State legislature.

On February 12, 1884, 350 soldiers of the First Regiment of the Ohio National Guard, including Captain Desmond, were called to active service to assist the Cincinnati Police Department in patrolling the streets during a significant flood. On March 27, 1884, at a banquet held at the Burnet House at the end of a Convention of the National Guard, he was called upon to give a speech. At first, he deferred, but then acquiesced and gave a brief statement relating how some have advised that he leave the Guard to younger men. In the speech he asserted a belief in the guard and citizen soldiers and asserted that if ever called upon to risk his life in that endeavor, he promised that he would. Two days later, he proved it.

## **HISTORICAL BACKGROUND**

During 1883, at least 93 people lost their lives in Cincinnati to murder, more than any other year in our history, and the murderers rarely received due justice for their crimes, i.e., execution. The citizens of the city and of Hamilton County were growing tired of the circumstances and the perception that

corruption permitted murderers to avoid punishment. The year 1884 opened with several notoriously vicious murders and substantive rumors that juries were being bribed to free murderers.

The population of Cincinnati was uneasy when William Berner and Joseph Palmer came up for separate trials for the Christmas Eve 1883 robbery/murder of William Kirk, a West End horse trader. Berner had confessed that they planned the murder, laid in wait, and ambushed Kirk for the night's receipts. When he went to trial, the jury, on March 26, 1884, returned a conviction of the reduced charge of Manslaughter. The populace was outraged.

On March 28, 1884, about a thousand citizens met inside the Music Hall on Elm Street with thousands more outside the building. The meeting was tense, but peaceful. But, as they were leaving, a man on Elm Street yelled, "On to the jail! Follow me! Let's hang Berner!" Warned of their approach, Hamilton County Sheriff Morton L. Hawkins sent in the riot alarm to the Cincinnati Police and Fire Departments and sent for the Ohio National Guard. The crowd became a mob and by the time they arrived at the Courthouse at 9:55 p.m., it numbered ten thousand by some accounts. The greatest riot in the region's history began that night and would not end without the lethal use of a Gatling Gun three days later.

## **INCIDENT**

During the second night of rioting, March 29, 1884, Captain Desmond led the First Regiment of the Ohio National Guard to the Courthouse. At 5 p.m., after removing arms and ammunition from the Armory to the Hamilton County Jail, he posted his men to their respective posts inside and around the jail. The jail and courthouse were separate structures within the same block and

connected by a tunnel. The defense of the jail and the lives therein was his and Sheriff Hawkins' primary objective.

The sun set at 6:59 p.m. At 8 p.m., Captain Desmond of Company B linked up with Corporal H. C. Williams of Company D and they proceeded through the tunnel to the rotunda of the Courthouse where they observed a barricade of mattresses. At that time, there was a party of 15 troops in total, including 3 officers and 12 enlisted men.

Hamilton County Commissioner, Colonel Hill, came down out of the courthouse to advise that the Treasurer's Office was on fire. Quartermaster General Ryan entered the tunnel and ordered the men into the courthouse to protect the janitor who was manning the fire hose, probably on orders from Sheriff Hawkins. Captain Desmond recalled the rest of his men and took them into the Courthouse.

As they ascended the stairway into the rotunda, they could see men moving around with torches inside the Treasurer's Office. Captain Desmond ordered his men to commence firing into the Treasurer's Office windows. Small arms fire returning from the mob became so intense that the soldiers retreated back into the rotunda. During the retreat, Sergeant Malone was shot.

After completing their retreat into the rotunda, Captain Desmond, with Corporals E.C. Hoffmeister and Williams, responded to a little hall near the Stationer Max Mosler's office. At 8:55 p.m., they were standing on the floor of the hallway leading into the building and fired into the windows of the Board of Control Office (located immediately south of the main entrance).

At 9 p.m., one of the mob, Ed Smiley, yelled, "Burn the damned militia out!" Corporal Williams was reloading his rifle when he saw one of the soldiers, immediately behind him and a little to his left, throw up his hands and fall. He quickly realized that

it was a man from his Regiment. As he fell, Lieutenant Dana and Sergeant Thomas Nerney entered the hall and the man fell against Lieutenant Dana. Dana remarked, "Someone is down!" Another replied, "Who is it?" It was too dark to make an identity.

## **DEATH**

Dana dragged the man into the light, and they discovered it was Captain Desmond. They carried him into the temporary hospital in the Jail. A musket ball had entered his forehead. Due to the ragged wound, it was determined to have been caused by an Enfield rifle, not by a Springfield rifle used by the Guard.

Captain Desmond was survived by his widowed mother, Julia Desmond (64). A funeral was held from his residence on Laurel Avenue on Tuesday, April 1, 1884, at 8:30 a.m. The governor commanded that each regiment commandant of the Ninth Battalion assigned a company (30 men) to attend the funeral and provide military honors. Colonel Hunt was placed in charge of the details, and the funeral was attended by Brigadier General C. M. Anderson. An old friend of Captain Desmond's, Father Wimsey, celebrated a Requiem High Mass at St. Peter in Chains Cathedral. More people attended the rite than any assemblage since the funeral of Archbishop Purcell. Pall bearers included John C. Healy, Lewis Irwin, Colonel John A. Johnston, John J. Meany, John J. McDonough, T. J. Callinan, N. J. Hoban, and Owen Smith. Captain Desmond was buried in St. Joseph (New) Cemetery. Mrs. Desmond was reported to be so distracted with grief that it was feared she would lose her mind.

## **JUSTICE**

On April 3, 1884, a joint resolution in the Ohio Senate was adopted unanimously to offer a \$1000 reward (more than \$3000 in 2023) for the arrest and conviction of the murderer of Captain Desmond.

The Coroner C. S. Muscroft issued his report subsequent to his inquest on July 12, 1884. With reference to Captain Desmond, he ruled that his death resulted from "a shot fired by one of the mob... while he was heroically attempting to extinguish the Court-house fire."

We have not found a any evidence that a shooter was ever identified.

## **EPILOGUE**

On April 4, 1884, the "BAR Committee" proposed that a "National Guard Fund" be created and held in trust by the Fidelity Safe Deposit and Trust Company and that the income therefrom to be paid to the widowed mother of Captain John J. Desmond, in semiannual installments, as long as she may live. Thereafter, it was to be distributed to members of the First Regiment of the Ohio National Guard who were injured or killed in the line of duty.

Mrs. Desmond was compelled to move to Dayton, Kentucky. She died on July 27, 1885, sixteen months after her son, from, it was reported, a broken heart. She never received the first installment from the Fund.

The fund established became known as the "Desmond Fund" and not only survived Mrs. Desmond, but also survived the First Regiment of the Ohio National Guard, which was disbanded. This caused a suit to be filed in 1899 with several claimants to the balance.

By court decree in 1901, the remaining funds were split among three members of the Ohio National Guard who were shot and wounded on March 29, 1884: Michael J. Malone, Charles Cook, and Edward G. Muthert.

That portion that went to Mr. Malone, and perhaps each portion, was passed down through Malone's descendants. At some point, a portion of it was used for the repair and restoration of a statue of Captain Desmond now located in the Hamilton County Courthouse.

In 1973, the fund became a portion of Jane Malone's estate when she died without any heirs. It was then passed onto the Greater Cincinnati Foundation for management. Currently, its scope is "to provide financial assistance to deserving individuals who have been injured in the line of duty protecting public property as a policeman, fireman, or another branch of the City of Cincinnati." As of 2011, the Desmond Fund contained almost \$33,000.

If you know of any information, artifacts, archives, or images regarding this officer or incident, please contact the Greater Cincinnati Police Historical Society at [Memorial@Police-Museum.org](mailto:Memorial@Police-Museum.org).

*© This narrative was further researched and revised December 19, 2023 by Cincinnati Police Lieutenant Stephen R. Kramer (retired), Greater Cincinnati Police Historical Society President, with considerable research product provided by Cincinnati Police Sergeant David R. Turner (retired), Greater Cincinnati Police Historical Society Researcher, and Jason Alexander, Central Services Division Manager, Hamilton County Clerk of Courts. All rights are reserved to them and the Greater Cincinnati Police Museum.*