

0269

BOX:

272

FOLDER:

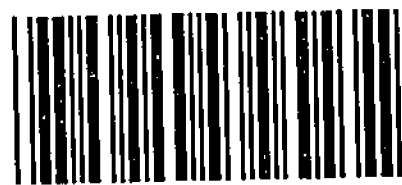
2614

DESCRIPTION:

Lyons, Daniel

DATE:

08/04/87



2614

Witnesses:

Lawrence Rogers

John Cuddy

Off Marlborough

Lawrence Rogers

Counsel, of J. Sullivan
Filed, 4 day of Aug 1887
Pleads: Not Guilty

THE PEOPLE

vs.
Daniel Lyons

H.D.

MURDER IN THE FIRST DEGREE.
[Section 188, Penal Code]

RANDOLPH B. MARTINE,

for Sept 26/87 District Attorney.

Arrested & convicted Murder 1st

A True Bill.

James J. Henry

Foreman.

Verdict: Guilty
Sentence: Nov 28/87

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State of New York, } ss.
City and County of New York, }

I, **JAMES A. FLACK**, Clerk of the City and County of New York, and also Clerk of the Supreme Court for the said City and County, DO HEREBY CERTIFY, That

Joseph J. Grotter
before whom the annexed deposition was taken, was, at the time of taking the same, a Justice of the Supreme Court of the State of New York, in and for the City and County of New York, duly elected and sworn, and authorized to administer oaths to be used in any Court in said State, and for general purposes; that I am well acquainted with the handwriting of said Justice, and that his signature thereto is genuine, as I verily believe.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said Court and County, the day of

James A. Flack
188
Clerk.

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Daniel Lyons

*Opposition of
Street Vender*

RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

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TORN PAGE

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STATE OF NEW YORK,
CITY AND COUNTY OF NEW YORK,

Daniel Lyons being duly sworn, deposes and says that he was convicted of
Petit Larceny
at the court of *General* Sessions of the Peace, and on the *first* day of *November*, 1880,
was sentenced by *Recorder Frederick S. Smith* to confinement in the New York
Penitentiary for the term of *one* year and *five* months and fined *one hundred*

one hundred dollars, and in default of payment thereof to be held in custody for the further term of
one hundred days or until the same be paid. *And that he was*

And he further deposes and says that he is credibly informed and verily believes that his Excellency the
Governor of the said State did upon the report of the Warden of the said Penitentiary, that he had complied with
the requirements of the act passed February 20, 1875 direct a deduction of *five* months from the term of his
sentence, whereby the said term expired on the *first* day of *May*, 1881.

And he still further deposes and says that he is entirely without money, property or means of any kind,
and that he is utterly unable to satisfy and pay the said fine of *one hundred*
dollars, for the non-payment of which he has been since the *first* day of *May*,
1881, and is now held in custody at the Penitentiary aforesaid.

Sworn and subscribed before me this *19th*

day of *May*, 1881

Washburn
Com of Deeds
Wfo

Daniel Lyons

I hereby certify that the facts set forth in the above written affidavit as to the date and term of sentence—as
well as to the time of the expiration thereof—of the above affiant. *Daniel Lyons*
and the deduction from the term of said sentence directed by the Governor of the State of New York are true.

John M. T. O'Neil
Warden of the New York Penitentiary.

Blackwell's Island, New York City, *May 19th*, 1881.

TORN PAGE

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Wm. General Sessions of the Court.

THE PEOPLE
Of the State of New-York

vs.
Daniel Lyons

November 1st 1880

PENITENTIARY.

Edw. Martin

And to pay a fine of.....

One hundred Dollars.

And to stand committed until the same be paid,
or be imprisoned for..... days.

AFFIDAVIT

OF

DEFENDANT

Of Inability to Pay Fine.

Wm. P. P. 19th
Nov 1st 1881

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A girl of bad character - her husband is a young highwayman - has served one term in State prison for that crime, & now is on bond awaiting trial for a similar chge. ADP

-----X
The People

vs.

Daniel Lyons
-----X

City and County of New York, SS:

Catharine Gorey, being duly sworn, deposes and says:

I am in my twentieth year, and reside at 351 East 32nd St.
I am married to Frank Gorey. I am the Katie Cornelius ~~who~~
whose name is mentioned in the affidavit of Nelly Tammany
and Katie Cassidy. Between half-past eight and nine, I
came upon the corner of 38th Street and Second Avenue and
met Frank Spencer and Quinn talking together. Lyons also
was there, but was not talking to him. I was invited by
Lyons to take a drink on the South-east corner of the
street. Somebody called Lyons out, he went. After that I
went out and was about that corner talking to Frank
Spencer off and on until the time of the fight between
Lyons and Quinn, as described in Katie Cassidy's affidavit.
I have heard Katie Cassidy's affidavit read. I was not
in a position to hear the conversation between the men
preceding the fight, or any statements made by them; but
did, however, see the fight, and I confirm Katie Cassidy's
statements in detail in that regard. I also confirm her
statements in every particular of what took place up to
the time that the party saw Frank Waters, Jimmie O'Neil
and Lyons on the steps of the butcher store - then I was

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taken home by Frank Spencer and Mamie Smith, and know no more of the affair.

Before this occurrence, I had known Lyons for only about five weeks. I had known Quinn since our childhood. My knowledge of Quinn during that time was that he was of peaceable character, not at all inclined to be quarrelsome or boisterous.

Sworn to before me this

Walter Gory

14th day of September, 1887.

W. L. Parker
Notary Public
L. F. Co.

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This witness is more intelligent & reliable than the witness, Kate Cassidy. I should put her on first.
J.P.P.

-----X
The People

vs.

Daniel Lyons

Murder.

-----X
City & County of New York:
Nellie V. Dammany, being duly sworn deposes and says:

I reside at 351 East 32nd Street, I am nineteen years of age. I have lived in that neighborhood all my life. I live with my father and keep house for him. My ~~3~~ brothers also live there. Two of them support themselves, and the third, who is eleven, is supported by my father. I have been keeping house for him for about a year. I worked for some four years, at sewing quilting and lining, at 204 & 206 Greene Street, at the Excelsior Quilting establishment. I have been acquainted with Mary C. Cassidy of 331 East 34th for about a year and a half. I became acquainted through her, with Daniel Lyons, the above named defendant, between three and four months ago, and I have met him frequently since my introduction. I was acquainted with the deceased Joseph Quinn for about five years before his death, and met him frequently.

I remember the afternoon and evening of the 4th of July last. I have read the affidavit which Mary C. Cassidy has made in this proceeding concerning the excursion to the bath in 66th Street, which a company of us, including herself, myself, Lyons and Quinn took on that afternoon, and all the facts stated by her in said affidavit, which took place in my presence, are correct. Also her account of

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2 the fight which took place between Lyons and Quinn, on the night of the said 4th day of July, at about eleven o'clock.

I was present at the picnic of the Friendship Club in the month of June, which is spoken of by Katie Cassidy, and her statement of the trouble between Lyons, Meehan and Quinn, on that occasion, as detailed in her affidavit, is correct.

After the fight took place between Lyons and Quinn, on the night of the 4th, as aforesaid, Cuddy, Becker, Katie Cornelius, Mamie Smith, Katie Cassidy and myself, all walked down the east side of Second Avenue to 34th St. There Cuddy left us and went to Katie Cassidy's house, where they were having a birth-day party. Then Becker, Mamie Smith, Katie Cassidy, Katie Cornelius, and myself, all went up to 51st Street, to a friend of Becker's, who lives on the south-east corner of 51st street and Third Avenue. We staid there about ten minutes, and took the cars down to 39th Street and Second Avenue. Then we walked down Second Avenue to 38th Street, and we saw Jimmie O'Neil, Lyons and another, sitting on the stone steps together, by Stoehr's butcher store. The three joined us, while we stood upon the corner outside of the butcher shop for a moment. Katie Cassidy, Lyons and I stood close together. Lyons said to me: "Well Nellie, your words did come true; you got me done up". I said: "Danny, I hope you don't for a moment think I got you done up". Lyons said: "Well, all right; I am thea dog in his eyes to-night, but I wont be to-morrow night. He done me to-night, and I will do him to-morrow

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3

"night". Then the whole company of us walked down to Cassidy's, corner of 30th Street and Third Avenue to get a drink. Lyons was perfectly sober at the time of making said remarks. I walked along side of Fred Becker on the way to Cassidy's. Katie walked alongside of Lyons. I drank lager beer, Lyons drank soda. I heard no remarks to Katie on the way to Cassidy's. But while I was in Cassidy's, I saw Lyons give her two bloody handkerchiefs, saying to her: "Here, wash these for me." She took the handkerchiefs and put them in her pocket. Lyons saying, he did not want to bring them home. Then I went to Katie Cassidy's house and stayed there all night. I heard him say also before he gave the handkerchiefs to Katie, that he was going to throw them away, as he did not "want his mother to see them". But when Katie said she would wash them he gave them to her.

I assume that the reason that Lyons thought it was I who procured him the beating he got from Quinn, was that about a week or ten days before, he had slapped my face, the circumstances being briefly, as follows: I, at the time mentioned, was standing on the corner of 38th Street and Second Avenue, in front of the butcher shop, at about ten in the evening, in company with Joe Quinn and Billy Meehan. Lyons and Frank Spencer came up and invited the men to take a drink. Billy Meehan said, what is the matter with the girls coming to, and Lyons said, I guess they can wait. But Billy Meehan took us over with him. After we had had a drink, and were coming out, Billy Meehan said, let us

If the facts of this episode are attempted to be contradicted by defense, call Meehan, who will corroborate this witness in every substantial particular.

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go out this way, pointing to the side door. He said to Lyons, "come on Danny". Lyons said: "I am not going out with those 'faggots', referring to myself and the young lady who was with me named Clara Barrett. Lyons was angry with me, because I had been associating with Katie Cassidy, with whom he had a quarrel some time before. He did not want me to go with her. When we got out on the corner, I asked him for some explanation of the term, which he had applied to me. He said nothing, but struck me in the face, and Larry Hines warded off a second blow which he aimed at me. I was friendly with both Lyons and Quinn and never had feelings of affection towards them, but was on good terms with them.. Quinn's reputation was that of great peaceableness, in fact, he was regarded as a peace-maker whenever any trouble was on foot.

Sworn to before me this

16th day of August, 1887.

Wellie r Tomoney

sworn to and acknowledged before
me this 16th day of August 1887

This is the full name of the person

Felix Lorch

Commissioner of Deeds for
the City and County of New York

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Katy Cafidy is Lyons' mistress. She is
of ~~Irish~~ ^{Irish} ~~intelligent~~ ^{intelligent}. Not as bright
as ~~Charles~~ ^{Charles} ~~Duncan~~ ^{Duncan}

People

v.

Daniel Lyons.

Katy Cafidy says she has married since the mak-
ing of this aff. Duncan tells me that is
a falsehood. ADD

Murder.

City & County of New York:

Mary Katharine Cafidy, being duly
sworn, deposes and says:-

I am nineteen years old; was born
in this city; live with my aunt at No.
331 E. 34th St., in this city; my mother is
dead; my father, who works in a gas-house,
lives with my aunt also, who keeps house at
the address mentioned; have lived in the
neighborhood for about three years; formerly
lived in Brooklyn. I used to
work at shipping
blacco in Jacoby's factory, at 38th Street, be-
tween First & Second Avenues, in this city.
I used to make four dollars a week there, &
lived off it. In the last six months I have
done nothing. My father has supported me
during that time. I was discharged, with
a number of other girls, for talking during
working hours, which is forbidden by the
rules of the establishment. During the last six
months I have been doing more or less
work for my aunt, who was sick.

1

I have known Daniel Lyons,
the above named defendant, for about five

months last past. I met him first in the house of a Mrs. Wolf, who lived then at No. 336 E. 38th St., who now lives in 36th Street, but I don't know what number. He paid considerable attention to ~~me~~ ^{me}, & was a lover of mine.

Some time during the month of June last the Friendship Club had a picnic at Bulger's Harlem River Park, to which I went, unattended. There I was talking to William Meehan, the letter-carrier. Lyons was there, & called to me & dance with him. I had had a little spat with him, which had at that time lasted some two or three weeks, but that night our friendly relations were restored. Subsequently I danced with Meehan, & Lyons was displeased at it, and I had refused to dance with him, & he accused Meehan of making an appointment, or "making a date" with me. The deceased Quinn, who was present at the picnic, interfered on Meehan's behalf, told Lyons he was no friend of his (Quinn's) if he didn't take back what he had said about Meehan. Lyons refused to take back what he had said about Meehan, & subsequently some disturbance arose, as a result of which Lyons

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was put out of the garden. I went home
 with John Cuddy, of 712 Second Avenue.
 After the night of the picnic, as
 aforesaid, up to the night of July 14th last,
 I saw Lyons quite frequently, but didn't
 speak to him for some time, as his charge got
 me of making a date with Cleeber had
 offended me, & I felt angry towards him.
 This feeling continued until the afternoon of
 Saturday, the 2d of July, when I met
 him on the corner of 34th Street & Second
 Avenue, as I was going up to Brown's Bathing
 House, at the East End of Sixty fifth Street,
 in company with one Elmerie Smith, who
 lives corner of 1st Avenue & 33rd Street. Lyons
 stopped me, & asked to be permitted to go with me
 to the bathing grounds. I excused myself saying
 I was going with my lady friend, Elmerie Smith.
 He then asked me to go with him on the
 14th of July to Staten Island, to see 'The Fall
 of Babylon,' which I agreed to. I didn't
 go, however, as on the 14th a party of us,
 including Joe Quinn & Lyons, all went
 bathing to Brown's. But after the interview
 on the 2d, Lyons & I were friendly again,
 & had no disagreement thereafter.

2

At 10 o'clock on the morning
 of the 14th, I met Lyons, in accordance

with agreement, to go to see Joe Faugh's
 Circus at Staten Island, & afterwards the Fall
 of Babylon. But when we met J. Todd Lyons
 I would sooner go swimming than to Staten
 Island, & we arranged to go to Brown's Bath that
 afternoon. About two o'clock in the
 afternoon I, Mamie Smith, & Nellie Tammery
 went up to the grounds, & at the Bathing Athletic
 Club grounds, at 64th St. & East River we met
 Joe Quinn. A few moments after Lyons,
 Frank McKeehan, brother of William McKeehan,
 Eddie Mills, Frank McElally & Frank Spencer
 came up from where they had been
 watching a game of ball, & all went to the
 bath. We returned from the bath about
 five o'clock, & I went right home to supper.
 After supper, about half past eight, I went
 out with Mamie Smith, & we walked
 to go to bed about about 11 o'clock. I
 had arranged to meet Nellie Tammery
 at that hour on the southeast corner
 of 38th St. & 2^d Ave, & when I got there
 I saw her talking to Joe Quinn & Billy
 McKeehan & Spencer, above named. A girl called
 Katy Corneliis was also talking to them.
 The group stood in 38th St. a little east
 of 2^d Ave, on the south side. I had

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joined the group only a minute or two
 when I saw Lyons coming ^{up} from the
 east side of 2nd Ave. in company
 with Fred Becker. The two came down
 into 30th St., on the side we were on,
 but they got in front of a big flat-house, No.
 300 E. 30th St., & they stopped when they got about
 twenty feet away from our group when Lyons
 called me. I excused myself to those with
 whom I was talking, & went to Lyons.
 We had a chat of trifling nature for some
 five minutes, during which Frank Spencer
 joined us from the other group, & joined in
 the conversation. Then Quinn walked
 towards our group & beckoned with his cane
 to Lyons, & said "Come here. Lyons I want
 to speak to you." Lyons left & walked with
 Quinn towards the corner, stopping a little each
 of it, & entering into conversation, & at the
 same time Frank Spencer pursued himself,
 & walked further on to the very corner.
 Becker & I were thus left alone, & we joined
 the group which remained further east.
 I heard nothing of the conversation between
 Lyons & Quinn until I heard Quinn
 say: "Due for the proof of it on the corner."
 Then Quinn turned toward Spencer on the
 corner, & said: "Frank Spencer, come here."

I want to speak to you." Then Spencer
 came toward them, & Quinn said
 something to him. Then Spencer said to
 Lyons: "Yes, Danny, you did say so."
 Then Quinn struck Lyons in the face with
 his open hand, & afterwards with his fist,
 & continued striking him, forcing him
 back till they got to the corner of
 2nd Ave, where he stopped, Lyons mak-
 ing no resistance. Then the whole crowd
 of men, except Becker & Jack Cuddy, who
~~had~~ had got there ^{with Frank Cook} by this time, went over
 to the northeast corner of 88th Street, & stood
 talking. Becker & Cuddy stood with
 all the women on the south side where
 they had remained.

Then Cuddy, Becker, Nellie Tammay,
 Katy Cornelius, Mamie Smith & myself all
 walked down the east side of 2nd Ave to 84th
 St.; there Cuddy left us, & went to my aunt's
 house, where they were having a little company
 & music - a birthday-party. Then Becker,
 Mamie Smith, Nellie Tammay, Katy Cornelius
 & I all went up to 51st Street, to a friend
 of Becker's, southeast corner of 51st St. & 3rd Ave.
 I think the name is McGovern. They stayed there
 about ten minutes, then took the cars down
 to 39th St. & 2nd Ave. Then walked down

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Jimmy Ostail
 to 38th, saw Lyons & Frank Waters sitting
 on the stone steps together, by Peter's butcher
 store. The three joined us, & we went to
 Capid's, corner of 30th St. & 3rd Ave, to get
 a drink. On the way down to Capid's,
 I walked with Lyons & Waters part of the way,
 & part of the way with Lyons alone, while
 I was with Lyons alone. When the three
 men left Peter's Def, & came towards us, on
 the corner of 38th St., I was close to Lyons,
 he called said to Nellie Sammany, who
 stood close to me: "Well, Nellie, your words
 did come true, you got me licked." I did
 not understand what the reference was to.
 Nellie said: "Did it, Danny? I wasn't I
 who got you licked." Lyons says: "Alright,
 that's all right. I'll fix Joe Quinn & tomorrow
 night I'll fix Joe Quinn. I'm on now
 right. I've got plenty of friends." On the
 way down to Capid's, when I was walking
 with Lyons alone, he drew out two hand-
 kerchiefs full of blood, which he gave to me &
 I have washed, as I promised to have them washed,
 as he was going at first to throw them away.
 As he took them out, he said again: "Tomorrow
 night I'll fix Joe Quinn; I'll have friends
 of mine; he can have his friends too."
 Lyons was sober all this time, & at Capid's
 drank only soda-water. After I left Capid's

See witness's aff-
 idavit in the
 back annex, at
 rectory this date
 the date of the
 hearing is 1/2/20
 Capid's is 1/2/20
 this is 1/2/20
 Nellie Sammany

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I went to my home with Nellie Tammay,
who left with me that night.

I never felt or expected any
jealousy towards ^{me} from
sworn to before me } Mary Catherine Cassidy
this 13th day of August,
1887.

Ad Barker,
Notary Public,
N.Y. Co.

This girl was Lyons' mistress,
& admitted to me, after con-
siderable denial, that she was
sexually intimate with him.
ADP

People
v.
Daniel Lyons.

Affidavit of
Mary Catherine Cassidy.

Aug. 13, 1887.

sworn

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City and County of New York, SS:

Mary Catharine Cassidy, being duly sworn deposes and says; I desire to make a correction in my affidavit heretofore made in this case, on the 13th day of August, 1887. I stated in that affidavit, that the bloody handkerchiefs were handed to me by Lyons while on the way from 38th Street to Cassidy's, at 30th Street and Third Avenue. I now remember that they were handed to me not on the way, but while we were in the saloon. And the conversation which I have heretofore mentioned, took place in the saloon.

Sworn to before me this

16th day of August, 1887.

Mary Catharine Cassidy
Sworn to and acknowledged before
me this 16th of August 1887

Felix Fouch
Commissioner of Deeds for
the City and County of New York

Thos. J. Fouch

0291

-----X
The People

vs.

Daniel Lyons
-----X

Joseph Quinn - prostitute.

City and County of New York, SS:

Mamie Smith, being duly sworn deposes and says: I am eighteen years old, and reside at 401 East 53rd Street. I live there with my parents. I do housework for my mother. I was acquainted with Joseph Quinn, the deceased herein for four or five months before his death. Was also acquainted with Daniel Lyons about the same time, before the shooting herein. Some time during the month of June I attended a pic-nic of the Friendship Club, in Sultzes' Harlem River park, this city. I was a witness at that time to the unpleasantness between Lyons and Mechan, the letter carrier, and I confirm the description thereof given by Mary Catharine Cassidy in her affidavit herein. I also went with the party among whom were Quinn, Katie Cassidy and Spencer, as detailed by Katie Cassidy, to the grounds of the ~~Park Avenue~~ Athletic Club and the baths on the East River. I have heard the affidavit of Katie Cassidy as to my movements in company with her on that day, and it is correct.

As to the fight between Lyons and Quinn, the conversation and statements which preceded it, and as to every detail given by Katie Cassidy, I confirm her. Also, as to what took place up to the time the party of us came to

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38th Street and Second Avenue, and saw Waters, Jimmie O'Neil and Lyons sitting on the steps by the butcher store. At that point Frank Spencer and myself turned back and took Katie Cornelius to her home in 41st Street. There we left her and then went to Cassidy's, where we found the whole party. I saw Lyons give Katie Cassidy, in Cassidy's saloon, the handkerchiefs she mentions. I heard Lyons say when he handed the handkerchiefs to Katie Cassidy: "Here is "two handkerchiefs, no good; I don't want to let my mother "see them as they are all covered with blood". And Katie said: "I will take them and wash them." He also said: "I will fix Quinn to-morrow; I will put a bullet through "him."

Sworn to before me this
14th day of September, 1887.

W. Barker
Notary Public
N.Y. Co.

Mammie Smith

0293

COURT OF GENERAL SESSIONS OF THE PEACE
of the City and County of New York.

The People of the State of New York

Against

Daniel Lyons.

- City and County of New York, SS:

John J. Quinn, being duly sworn deposes and says,
as follows: I reside at No. 501 East 58th street, New
York, City, and am engaged as a worker in the Navy Yard
at Brooklyn, N.Y. I am the brother of Joseph P. Quinn,
who I am informed was shot by the above named defend-
ant on the 5th day of July, 1887, at the corner of 58th
street and second avenue. On said 5th day of July, I
was walking through 58th street on my way to my home,
at about a quarter to seven, when a person named Dunn,
told me that my brother had just been shot by Lyons at
58th street corner. I turned up Second avenue toward
58th, and found my brother, when I got there he had been
taken away. I then went to my house, made a change in
my clothes and went to ascertain where my brother was.
Having received information that he had been taken to
Bellevue Hospital, I went there and saw him lying in
one of the wards, with a wound which looked like a pistol
shot wound, at the left of his navel, at this time he was
unconscious but not dead. I remained at the hospital

Good witness - reliable.

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until about half-past seven or twenty minutes to eight, I then learned that my brother had died. I then got a permit to remove his body to my house. He was buried from my house on the 10th of July, 1887, in Calvary Cemetery. I further state that on the day before the shooting, that is on the 4th day of July, between ten and eleven in the evening, I saw the above named defendant, Lyons, on the south-east corner of 58th street and Second avenue. There were there at the time, myself, my brother, the deceased, and the defendant Lyons and some other people. While standing there I heard the defendant Lyons say to my brother: "If I had a gun I would fix you, and I would fix Mahan". After this occurrence we dispersed, and my brother went up to his house, and I went home, and warned him against having anything to do with the defendant Lyons.

Sworn to before me this

21st day of July, 1887.

John J. Quinn
J. S. L.

Intent

0295

-----X
The People

vs

Daniel Lyons.
-----X

*Middling intruder - Good
connections, but wants to be
tough, & is somewhat reluctant
not to testify.*

City, and County of New York SS:

Alexander Neil being duly sworn deposes and says, as follows: I reside at No. 127 East 76th Street in the City of New York, and am engaged in the milk business. At present, I am detained as a witness in the House of Detention, New York City. On the 5th day of July, 1887, I was in

the saloon kept by Albert Booth on the North-east corner of Third Avenue and 52nd Street, while there and about the hour of two P.M., the above named defendant came into the saloon and asked the barkeeper ^{Wm Conn} to lend him a pistol.

The barkeeper answered that he had no pistol there, but that he had one at home. After some further conversation regarding this pistol, the defendant turned to me, and asked me if I had a pistol. I told him that I had one up home, and that I was going up to my home shortly to make a change of clothing and that I would bring it down to him. I then asked him, defendant, where he got his black eye. He said: "Oh, I got it". I then asked him, where, and to this he answered: "from Quinn". (the deceased).

Defendant further said that Quinn had hit him with a stick and that he, the defendant, was going to punch Quinn, and that he wanted a pistol. He further said that the trouble with Quinn arose over Quinn's girl, to whom, he, the defendant, had done what he had not ought to have done.

*Childwill also
testify that Lyons
said that he means
he wanted the pistol
was because he
wanted to punch
Quinn. A.D.P.*

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This was about half-past two in the afternoon. Soon after this conversation, the defendant with one John Corr, left the saloon together, and went up town. I left the saloon that afternoon about twenty minutes after the defendant left, and went to my house, got my pistol, and returned to the same saloon, the pistol being empty. At about half-past four on the same afternoon, on entering the saloon I found the defendant there. He spoke to me and said: "Have you got it?" I said, "yes; here it is", taking it from my inside coat pocket. He said: "Is it loaded?" I said: "No". He said: "I will give it back to you to-morrow. I will either give it to John Corr or to George Allen". I told him I did not care, if I never got it back, as I had no earthly use for it. The defendant then walked to the front of the bar-room and entered a little office there, set down at a table, and I heard him snapping the revolver, which was, as far as I can now recollect, a "British Bull Dog", about seven chambers. Then the defendant came out of the private office and with John Corr, left the saloon together. This was between four and five o'clock. I remained in this saloon until about ten minutes after seven, and then left and walked down to a saloon on Fifty-first Street and Third Avenue, on the South-east corner. There, I heard from the bartender that Quinn had been shot by the defendant Lyons.

Sworn to before me this
2nd day of August, 1887.

*Sworn to before me
this 2nd day of August,
1887. A.D. Barker, Notary Public N.Y.C.*

Alexander Steed

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COURT OF GENERAL SESSIONS

-----X
The People

vs.

Daniel Lyons
-----X

Defendant & reluctant

City and County of New York, SS:

Francis Dominick Waters, being duly sworn deposes and says: I am 33 years of age and reside at 320 East 61st Street. I am employed at the Soda Water Manufactory of Barry Brothers, 323 East 38th Street. On the night of the 4th and 5th of July last, I was up all night in company with Daniel Lyons, the defendant in this case, John Cuddy of 712 Second Avenue, and I think one James O'Neill, who lives in Harlem. At about six o'clock on the morning of July 5th, myself, Lyons, Cuddy, and I think, O'Neill, were on the North-east corner of 38th Street and Second Avenue at Stoehr's butcher shop. We were sitting between the entrance of the area and the corner. While there I saw Terence Quinn, the father of the deceased in this action, approaching us - I think he came from his house. I saluted him and approached him, and asked him for ten cents. He told me he did not have it. Lyons then approached him, while we were conversing and said to him: "Mr. Quinn, I am going to make you a present of a bronze clock, either at twelve o'clock to-day or five o'clock to-day". I think, Mr. Quinn said something like, all right, and then proceeded on his way. As he was walking away, Lyons called

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out to him: " I am going to make the present to you
"personally", or words to that effect. I don't know
where Lyons went after that. Mr. Quinn went up stairs in
his house, I also went up there and saw his son Joseph,
the deceased, and asked him for the loan of ten cents,
which he gave me. I then went to work.

Sworn to before me this

2nd day of August, 1887.

Sworn before me
this 22 day of August,
1887.

W. H. Barker,
Notary Public,
N.Y.C.

John D. Peters

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S T A T E M E N T

--of--

J O H N M C. G U I R E:

My name is JOHN MC.GUIRE; I live at 313 East 39th. Street; I have lived there about five years. I work in a Box Factory. I have never been convicted of any crime. I did not know Joseph Quinn in his lifetime; I knew him by sight. I do not know Daniel Lyons, nor do I know him by sight.

Q You saw him on the 5th. of July, in the afternoon?

A No, sir; I saw him going down the Avenue.

Q Then you saw him? A I saw a man; I couldn't swear it was him.

Q Did you hear the shot fired? A Yes, sir, about half past five in the afternoon. I was about 50 feet away from him. I was on 38th. Street, towards First Avenue, about 50 feet away. Nobody was with me. I was there alone; I was sitting on an empty strawberry crate.

Q Now, tell me just what you saw there. A I was sitting on a strawberry crate and I heard the shot go off, and I went up to the corner and I saw Lyons; I saw a man running down the Avenue; he ran to 37th. Street; and I missed him when he turned the corner.

Q And you ran with him? A Yes, sir; he ran through 37th. Street and I missed him on First Avenue; he turned the corner.

Q He went down? A Yes, sir, down this way.

Q Down town? A Yes, sir.

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Q Did you see those persons at the corner of 38th Street before the shot was fired? A No, sir.

Q The first thing you knew of anybody's being there, was hearing the shot? A That is all I know; I heard the shot.

Q Did you see the man who was shot? A I seen him laying down.

Q That is all you know about it? A That is all.

*Signed to be sworn to this
12th day of August 1887.*

*Attest
Notary Public N.Y.C.*

John M. C. Gava

THOMAS WELLINGTON stated as follows:

I live at 313 East 39th. Street; I work as a peddler; I have lived in that place three years. I knew Joseph Quinn in his lifetime; he lived around Second Avenue.

Q Were you intimate with him? A Well, every time I met him we passed the time of day. I knew who he was.

Q You used to talk with him? A Only just to pass the time of day, that was all. I know Danny Lyons by sight; I don't know him to speak to him. I have known him about two weeks by sight.

Q Did you hear this shot on the 5th. of July? A I heard the shot.

Q Where were you at the time? A I was standing on the North East corner of 38th. Street.

Q And Second Avenue? A Yes, sir.

Q How long had you been standing there? A About ten or fifteen minutes.

Q Do you know Lawrence Hines? A I used to know him by seeing him.

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- Q Was he there when you were there? A I didn't take any notice.
- Q Do you know a man named Cutty? A Yes, sir.
- Q Was he there while you were there? A There was a man on the corner.
- Q Was Joe Quinn there while you were there? A Yes, sir.
- Q How near were you to him? A About 15 feet away.
- Q Were you there before Quinn, or was Quinn there before you?
- A Quinn was there before me.
- Q You came up while Quinn was standing there? A Yes sir.
- Q Was he alone when you came up? A I didn't take notice.
- Q Did you see anybody talk to him while you were standing there? A I didn't take much notice; I was talking to another fellow.
- Q Did you see Lyons there? A No, sir.
- Q What time was it when you were there? A It was around five o'clock. I was standing there when I heard the shot. I didn't see Lyons come up; I wasn't looking that way. I didn't see Lyons coming up.
- Q What was the first thing you saw? A I heard the shot and saw Lyons run. I didn't take any notice of anything in Lyons' hand; Lyons run down towards 37th. Street and First Avenue; I went after him; I missed him at First Avenue and 37th. Street.
- Q Did you see him try to conceal anything? A I didn't take any notice.
- Q You didn't see any quarrel between him and Quinn, did you?
- A No, sir.

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Q You saw Quinn there? A Yes, sir.

Q At the time you had your eyes on Quinn, Lyons had not yet come up, had he? A No, sir.

Q And if he came up, it was while you were looking in another direction? A Yes, sir.

Q You looked in the direction of Quinn, after you heard the shot fired? A Yes, sir.

Q And it was then you saw Lyons for the first time?

A Yes, sir.

Q And when you first saw Lyons, how far was he away from you? A He was about 40 or 50 feet.

Q When you first saw him? A Yes, sir.

Q How far was Quinn away? A About 25 feet.

Q Do you know whether Quinn had any weapon? A No, sir.

Q You don't know? A No, sir.

Sworn to before me this 13th day of August, 1937.
At New York City, New York.
William Meehan
WILLIAM MEEHAN stated as follows:

I live at 232 East 35th. Street; I am a Letter Carrier; I am in that business now; I was never arrested for anything. I was born in that Ward, about twenty-five years ago. I was a personal friend of Joseph Quinn's,-- the most intimate friend he had. I have known him about seven years; I was with him nearly every night. I never knew him to be armed, in my life. I never knew him to drink, smoke or chew; I am certain of that.

Q How was his disposition,--peaceable and quiet, or quarrelsome? A He was peaceable.

Q Do you know Daniel Lyons? A Yes, sir, I have known him about five weeks; probably six; I was present at the

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shooting on July 5. I saw Lyons on the 4th. of July; at that time I was in company with Quinn, the deceased.

Q Now, tell us about there. A We were all together that night, on the Fourth of July; there was about I should judge, four or five--there was more than four or five young fellows; I couldn't tell you all the names; I could tell you; there was Cutty; there was a party by the name of Frank Cook; there was Gus Lederer; there were several more; I couldn't tell you who they were; I would know their names, but I didn't take any notice who was there. Cutty lives in the house where Joe lived,--the deceased. I couldn't say where Frank Cook lives; I couldn't tell you what Street; Cutty probably knows where he lives. Gus Lederer lives at 712 Second Avenue; he is a Barber.

Q Go ahead and tell us where you were. A We were at the corner of 38th Street and Second Avenue. I should judge it would be between half past ten, I guess and half past eleven; or probably between the hours of ten and eleven in the evening. We were all setting off fire-works, that is, large fire-crackers, and fooling.

Q Was Dan Lyons there? A He was not there at the time

Q Was Quinn there? A He was there, and this man Lyons came up, I believe,--I think it was up; I couldn't say; any way, which way he came, up or down the Avenue.

Q Was he alone? A I believe he was alone; yes. Well, everything was friendly; there was no dispute there at the time he came; everybody was friendly. I saw him about ten feet,--ten or fifteen feet away from Joe. Joe

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went up to Lyons and spoke to him. I couldn't tell you what he said; I wasn't within hearing distance. I seen the cane drop; I didn't see the the blow struck, but I see Joe, from the way the cane dropped, he probably slapped him with the cane.

Q Who slapped? A Joe; struck Lyons.

Q You didn't see him strike Lyons? A I can't say I seen it; I say it was probably that far away; (Indicating) I couldn't swear I saw him strike him.

Q To the best of your knowledge, Quinn struck Lyons with the cane? A To the best of my knowledge and belief.

Q Whereabouts did he strike him? A I should judge about there. (Indicating)

Q That is on his left jaw? A On his right jaw, with his left hand. He had the cane in his left hand.

Q Go on, now. A Then I believe he struck him with his hand and cut him over the eye.

Q You believe Quinn struck Lyons? A Yes, sir; from what I seen. ^{afterwards} Afterwards, ~~where this man Lyons was this was before--I wasn't there, you know, the night of the shooting;~~ then I noticed Lyons put his hand up like that and passed some remark and said, "I know that you can do me;" "but" he said, "you won't do me tomorrow night." So Joe says, he said, "I suppose you will have a pistol tomorrow night," or something like that; and Lyons said "That will be all right; it don't make no difference; but I won't be done on this corner tomorrow night." And after that there was no more blows or quarrelling or anything.

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- Q After that, what took place? A After that everything was all right. They went away.
- Q Who went away? A Lyons went away and I went around the corner. My idea was he went around to borrow a pistol of some of his friends.
- Q What corner did he go around? A Around 38th. Street corner.
- Q Towards Second Avenue? A Around the Second Avenue corner. ~~He was between the First and Second Avenue.~~
- Q You were in 38th. Street? A Yes, we were 20 feet off the corner.
- Q And did he come back again? A He came back again, but there was no blow struck.
- Q Was anything said? A He made threats.
- Q What did he say? A He said he wouldn't be done; he made the expression he wouldn't be done tomorrow night on this corner, and he turned to me then, Lyons did, and he said, "You are into this; this is a job; this is a job to do me." And I told him, ~~I told him,~~ "Lyons, you are mistaken." I said it was not necessary to put up any jobs to do you, because this man Quinn was enough to take his part, without anybody interfering. He said, "That will be all right tomorrow night; remember what I am telling you; I won't be done tomorrow night." And there was nothing happened after that, and I told Joe then, when I left him--Joe says to me, "Billy, do you think it was safe for you to go home alone?" I said "Yes, I don't think this man Lyons has got a revolver, and I

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don't think he can harm me, any way." And I bid him good night.

Q Had Lyons gone away by this time? A No, he hadn't gone away; he was still there on the Butcher's steps.

Q And when you went away Lyons was still there?

A He was still there.

Q And Quinn was still there? A Let me see; both of us parted and both Johnny and Joe went up stairs.

Q And they left Lyons there? A They left Lyons there.

~~He was there I believe at half past five the next morning on the steps there.~~

Q ~~You don't know that?~~ A No, I don't know that, certainly not.

Q Is that all you know about it? A That is all I know; I know this man Lyons had a revolver.

Q ~~Now, you say Lyons approached your party from Second Avenue?~~ A No, sir, I didn't say that. I said Joe approached him.

Q When Lyons first came to your party where you were firing off fire-crackers, which way did he come from?

A I should judge he come up from Second Avenue.

Q Up Second Avenue? A I wouldn't say.

Q Who was the first man he spoke to? A I couldn't tell you. I guess he must have spoke to all.

Q Was he friendly when he came up first? A Oh, yes, he was friendly.

Q And you saw Quinn go towards him? A Yes, sir.

Q And engage in conversation? A Yes, sir.

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- Q And then you saw Lyons and Quinn again; Joe Quinn had struck him in the face? A I should judge so.
- Q Did you all join in the fight? A No, sir, nobody interfered in it, only the two.
- Q Did Lyons strike back? A He put his hand up like that, in order to save his face.

Shown to before me this 13th day of August, 1887. At Parker, Colorado, Public Notary, Geo. W. McLean

WILLIAM CORR, stated as follows:

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I live at 337 East 30th. Street; I am a Bar-keeper at 52nd. Street and Third Avenue, on the North-east corner; that is Albert Booth's place. I knew Joseph Quinn, and had known him about a year. I know Daniel Lyons and have known him about eight months; about six or eight months.

- 17th St. S.
- Q You met him in your place, I suppose? A Yes, sir.
- Q Do you remember Dan Lyons' coming in your place ~~with~~ *for* a loaded pistol? A Yes, sir.
- Q What day was that on? A That was on the 5th. of July, about two or three o'clock in the afternoon. I remember Alexander Neil's being there.
- Q Tell us what occurred there. A He asked me for the loan of a revolver, and I refused to give it to him. My brother stood behind Danny Lyons, when he asked for the revolver, and he shook his head to me, not to give it to him, and this Alexander Neil was there, and he told him to give him one, and he told him he would go to his house to get it. Neil said that; that was all I heard.
- Q You had some conversation there, about your pistol. You

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told him, or your brother told him that your pistol was at the house, didn't you? A My brother told him; I told him it was broke.

Q Now, see here, Corr, I want you to tell everything; Corr, I want you to tell everything. Things you may not consider important to tell, may be very important, and you want to describe every little thing which happened. Tell us what took place. A Lyons and my brother were in the store, and Neil was there, and Neil asked Lyons where he got the shine from, meaning the cut he got over his eye. Lyons said that Joe Quinn gave it to him the night before, and that he was going to do him, and he asked me for the loan of a revolver, and I told him he couldn't have it; and Neil and he had some conversation; I couldn't hear what it was about; I suppose it was about the revolver.

Q What about your brother's saying that your revolver was home and broke? A I didn't hear anything of that.

Q What? A I didn't hear that.

Q Nothing at all about that? A No, sir.

Q Well, go on now. A Neil left the store and went home, as I supposed, and came back. I suppose it was about 40 minutes, or something like that, after he left. I couldn't say what time he left; and he was gone about 30 or 40 minutes, and Lyons and Neil went to the back room together, and I heard four clicks, like the clicking of a revolver. I didn't see him give it to him, or I didn't see it with Lyons; and they all went out in front of the store together.

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Q Who did? A Neil and a man named Jack Cutty and my brother and Lyons; and I don't know where they went after that. I remained behind the bar. Cutty was there; he wasn't there first when Lyons was there; he came in about half an hour after Lyons was in there, while Neil was gone for the revolver; and the four went out; Neil, Lyons, my brother John and Cutty. They were standing in front of the store when I saw them last, and that is all I know about it. I don't know a man they called the Count. I know a man they call Fred,--Fred Becker; I don't know where he lives. I seen him in my saloon; I don't know where his address is now. I believe he works in a saloon at 38th. Street and Second Avenue. I don't know the Number; two doors above 38th. Street. He works for his brother-in-law. The man they call the "Count" owns the place; Cort Von Etterlein; he is a Count; he is a German Count.

Q Have you ever been in Dan Lyons' house? A I was there once; I was not there on the 4th. of July; I wasn't there since last January; I don't know if my brother was there. He is working at the corner of 60th. Street and Third Avenue. I don't think his partner showed up to-day, or he would be down here.

Sworn to before me this 19th day of August 1887
JAMES REILLEY, stated as follows:
Notary Public N.Y.C.

I reside at 343 East 39th. Street; I have lived there six years. I am a clerk at #26 College Place, in the Druggist's Glass Ware Business. I know Dan Lyons; I don't know him to speak to him; I know him by sight, about

Bad character - now in City Prison on charge of 4th. ADP

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two months. I knew Joseph Quinn about the same time, but not to speak to him. I didn't see this shooting.

Q (By Captain Ryan) Weren't you there on the corner, at that time? A Yes, sir.

Q How could this shooting be without your seeing?

A I had my back turned.

Q What time of day was it? A About five o'clock, or after five, I think. I was standing on the North-east corner of 38th. Street and second Avenue; Quinn was there.

Q Now, tell us just what you saw and heard. A I heard the report of a pistol and I saw Quinn fall, and I saw Lyons run away, and I saw two other fellows follow him. I didn't see Lyons before he arrived on the step, nor did I see him go up to Quinn. I saw nothing in Lyons' hand. I don't know anything of any quarrel between Lyons and Quinn, before the shot.

Subscribed before me this 16th day of August, 1887. J. O. S. E. P. H. C. O. R. R.,
Notary Public.
J O S E P H C O R R, stated as follows:

I reside at 337 East 30th. Street. I am a Bar Tender and work for a man named Francis Tiernan. I knew Joseph Quinn in his lifetime. I had known him about seven months; between six and seven months. I saw him in my place where I attended bar. He never drank a drop in his life, that I know of. I never saw him use tobacco.

Q Do you remember Dan Lyons' entering your place on the 5th. of July? A No, sir, he was not; that I know of, because I wasn't there myself.

Q Did you see him on the 5th. of July? A I did, yes sir.

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Q What time of day was it? A I should judge about--I couldn't exactly tell you.

Q Did you see him on the evening of the 4th.?

A I hadn't seen the man in three days before that. He was not with me on the evening of the 4th. I met him at his house. I was all alone; I went there alone; I saw somebody else there,--a man named Lally; I don't know his name. That is all I know about him. I couldn't say where he lives; I guess the Captain could tell you. He hangs out around the corner there, at 38th. Street and Second Avenue. I think he is either a peddler or he works around horses; I don't know the man well enough. I met him on the 5th. of July, in Lyons' house. I went down alone; I went to the corner of 39th. Street and First Avenue, and sent up stairs for Lyons. I sent some little boy that I met there; the boy came back and said for me to go up stairs; and I said no; I sent up twice; I said I wouldn't go up stairs; I want to speak to you a few minutes.

Q And did you go up stairs? A He came down stairs, and I asked him for some money that he owed me. I sent the boy the second time, and then he came down. He had no coat or vest on. I asked him if he had any money to spare, as he owed me some money, and I hadn't been working since Sunday. He said, "Wait till I go up stairs, if I can get any from his mother; and I didn't want to go up the house, and he coaxed me up. I don't believe I went over two feet over the door; I didn't take off my hat or anything else, and he put on his hat and coat and vest and asked his mother for some

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money, and she gave him a dollar and he come down stairs at the corner again, and offered me half, and I said no, if that is all he had; I had been drinking pretty much; and then he asked me if I got a revolver; I said no, I had not; and he showed me a cut over his eye, that this man Quinn had given him, and he said to me, "I am going to get hunk with that man for doing that to me"; I was on the corner of 39th. Street and First Avenue when he said this to me. Then says he: "I am going to your brother's place to get a revolver." Says I, "I don't think he got one."

Q Which brother did he refer to? A My brother who was here yesterday. And I went up with the intention of preventing him from getting the revolver, thinking he might use it; but I didn't think he would, as I didn't think he had nerve enough; and I went to the store and he asked my brother for the revolver.

Q Did you have any conversation with him about Quinn?

A No, sir; not on the way up. In the store he asked for a drink, and asked my brother for a revolver, and I shook my head, as much as to say, "Don't give it". And he had a couple of drinks, and asked for it; and my brother he excused--the spring was broken, and all such things as that. And he almost begged him for it; and then I think that Alec Neil was in the side room, in the rear part of the store, and he came out and asked him where he got the cut on his eye. I didn't hear what passed after that, until I saw Alec Neil going out, and he came back again in about two hours, and he took him by the arm,--he was standing close

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to the front door, drinking, and I guess there was six or seven men there.

Q Who was? A A man named Jack Cutty, myself and the other people; I don't know their names, because I wasn't acquainted. I had saw them, but didn't know their names,-- standing at the bar; and Neil came in and took Lyons by the arm, and while they were in there I heard four clicks of what I thought would be a revolver, just like as if they were examining it, and then he came out and had some drinks and talk; Cutty and ^{he} came out of the door and stood on the door, and Lyons came and went down Third Avenue; from 52nd. Street down Third Avenue; and he stopped in only one place on the way down, at 42nd. Street, and asked us to have a drink; and on the corner of 41st. Street Cutty left us. We stopped in at a man named Carroll's, at the Southwest corner, I think.

Q Whom did you see? A I don't know; I wasn't acquainted in the place, at all. We started down and Cutty left us at the corner of 41st. Street.

Q Which way did he go? A I couldn't exactly tell you; I think towards Second Avenue, Cutty alone. We walked down further and at the corner of 36th. Street, I left a friend of mine there in the morning, between First and Second Avenue; we had been out together, in fact, we had been out together since Sunday; a man named George Allen; I left the store Sunday morning, not feeling well, and then the Fourth of July I drank a little too much and had not been near the store till then; so I walked down as far as 36th. Street

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and Third Avenue, and Lyons was with me all the time. I couldn't tell you what time it was. It was in the afternoon; after my being in 52nd. Street; it might have been after two o'clock. I couldn't exactly tell you the hour. I had no watch and I paid no attention to the time.

Q How long after you saw Neil give the pistol, or rather after you heard the click of the pistol, after Neil and Lyons had gone to that room in the store, where your brother keeps bar? A It was about, I should judge, 3/4 of an hour; about that, I think. In fact, I didn't stop; we stopped at the bar in half an hour, and then walked right down. And at the corner of ³⁶34th. Street he commenced to talk to me again about Quinn; the corner of ³⁶35th. Street and ^{third}Second Avenue. He said he was going to get square and didn't mention no time or place, or anything, how he was going to do it. And I said, "Dan, you are foolish to get into a fight with a man that is bigger than you." He didn't say anything at all; "I am going to get hunk; I am going to get square." He had been drinking, but he wasn't with me more than four hours, altogether. So I started down through 36th. Street, and went to this house where I left the friend asleep in the morning, and he was still asleep. It was a man named Fred Wolfe, with a wife and three children. It was between First and Second Avenue in 35th. Street, on the South side of the Street. It is nearer First than Second Avenue. It is a tenement house. At that time they lived on the second floor, and now they live up stairs. He is a ^{Baker}Barber; he works between 26th.

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and 27th. Streets and 2nd. Avenue. My friend's name is George Allen; I couldn't tell you what time it was when I got there. I went directly down there after I left Lyons,--about five minutes.

Q And what did you find there? A. Nothing but the man and wife and George Allen asleep on the lounge still, and a couple of children; no strangers. I stayed there about an hour. It was not dark when I went away. George Allen went with me. We came outside on the step and we saw the crowd going through 36th. street and a policeman running with his hat in his hand; and I enquired of the children and they said somebody was after being shot at 38th. Street and 2nd. Avenue; and I said who, and they didn't know. We went through 1st. Ave., to 38th. Street and we learned who was shot.

Q Whom did you meet there? A. Mr. Hines. He was standing in the drug store. I have known him only two months. I don't know the man well enough to know if he was ever arrested. I have only been in his company a quarter of an hour at a time.

Q Did you have any conversation with him there? A. Yes, sir. I asked him was he hurt very bad, and he said he was not expected to live, and the priest was brought by one of Capt. Ryan's officers; officer Shortels and Mr. Hines and this man outside, this Becker, I think his name is.

Q Cutty wasn't there at the time? A. To tell you the truth, I couldn't tell you whether I saw him or not. I know Cutty about five months. Allen was with me from

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Sunday until the 4th. of July. Nobody else was with us. We were together all the time from Sunday evening until Tuesday about a quarter of an hour before I met this man. I slept myself, in the house, Monday night and Tuesday night.

Q Now there was a man sleeping in Lyons house? A. He was sleeping there when I got in the house; Becker, this man outside; I don't know who brought him there; I didn't.

Q Wasn't he there in Lyons house? A. Nobody was there but Lally, this man, Mrs. Lyons and a daughter; Lally was there. This man outside, he was asleep on the lounge when I went up stairs. I don't believe I went 3 feet in the threshold. I didn't take off my hat. I didn't want to go in there.

Q Did you ever hear Lyons threaten Quinn before that?

A No, sir.

Q Did you hear Lyons tell what he wanted a pistol for?

A I didn't hear what was said after he took him one side.

Q Did you hear him ask Neil for the pistol? A. I didn't.

I heard him ask my brother for a pistol and Neil came out of the room and asked him how he got the cut. He had a cut eye about 3/4 of an inch.

Q You heard this? A. I heard him ask where he got the shiner.

Q And what did he say? A. He said Quinn gave it to him, and then he took him in the rear part.

Q Did he say at that time that he was going to do him?

A Not at that time.

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Q When did you hear him say that? A. When he got to the corner of 36th. Street and when he came out of his own house,--that he was going to do him, or get square; either one of the words meant the same meaning.

Sworn to before me this 12th day of August, 1887. J. D. Parker, Notary Public, City of New York.
FREDERICK BECKER, stated as follows: *John J. Corr*

I am a bartender at 714 Second Avenue, for Cort Von Etterlein; I live at 83 first Avenue, and have lived there 17 years. I knew Quinn about six weeks and also knew Lyons about 6 weeks, from coming into the saloon. I saw him on the corner the fourth of July. They threw fire crackers in the saloon and we closed up at 11 o'clock because we had a fire there; the boss said we had better close up. That was the fourth of July night; and I closed up and was going home, and got to the crossing of 38th. Street and 2nd. Avenue with a party shooting off the fire crackers.

Q Who was that? A. Some of the young men that comes in the saloon. Quinn was there. Then I saw Mr. Lyons and Quinn on the other side of the street.

Q Who else was there firing off fire crackers in that party? Corr was there wasn't he? A. No, sir, I didn't see Corr at all.

Q Who else; come it is only a few days ago? A. I couldn't tell; I don't the people's names up there. I had seen them before. I know Cutty. I couldn't tell whether he was there or not. I know Neil, I don't know whether he was there. I have known all these peo-

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ple about 6 weeks, coming in the saloon. I don't know there names when I see them. I was on the corner right opposite the stores, on the East side of the street.

Q On the North side of the street, the North-East corner?

A I believe it is.

Q You were on the West side of the Avenue? A. I was on the same corner where Boylen's is; the East side of the street; the lower side of 38th. street.

Q Then that is on the North-East corner? A I think the North-east corner is a butcher's store.

Q Where the shooting took place? A Yes, sir.

Q Were there any persons on that corner firing off fire-crackers? A Where I was?

Q The corner opposite where the butcher-store is?

A I didn't see any one firing any fire-crackers over there, no, sir.

Q Well, now, what took place? A I saw both of them fighting; I didn't know what it was about.

Q Was Lyons there? When did he come up to the crowd?

A Lyons was there with the crowd. I couldn't tell how long I saw him there; about two hours I believe. I saw Lyons about two hours there on the fourth of July night. I believe Quinn was there most of the time; I saw him there. I saw Quinn and Lyons fighting on the other side of the street. I didn't see the beginning of it. I saw them fighting. I didn't see any club; I didn't see any cane. I don't think the fight lasted quite half an hour. I believe it lasted about ten minutes.

Q What did you do there after the fight? (20)

A I do n't know. I got home drunk the next day and some one took fifteen dollars out of my pocket. I had about \$15 and I spent three. I went on a drunk that night, and fourth of July. I believe Lyons was with me, I couldn't tell I was so drunk. I couldn't really tell if Corr was with me; I can't say anything about the people at all. I never saw anything wrong with the prople.

Q What is your best recollection about those people being with you; what do you recollect about that? What is your impression? Isn't it your impression that Corr and Lyons were both with you on that drunk?

A No, sir they were not, I didn't see Corr that day atall. I went to Lyons House to find out information where my money went, and I don't know whether I was speaking to Lyons or not; I went to sleep on the lounge and didn't wake up until five o'clock in the evening. I went there to find out if he knew about my money. I got there about 1/2 past twelve the next day. I was drunk when I got there. I didn't know where Lyons lived and I asked a young man, and he said yes he knew the house, but he didn't know the number, and he fetched me over and I fell asleep there on the lounge and somebody took off my shoes, and I went to my sister's house. I was pretty drunk; I was very drunk that day; I was as drunk as I was at any time. I didn't know where the house was. Another young man fetched me there; I think they called him Lally; I don't know his name; I have known him

0320

about six weeks. He only came in the saloon; I met him at the corner of 38th. street; it must have been about 1/2 past eleven; I couldn't tell whether he went in the house or not.

Q Did you see John Lyons? A. Yes; as I went up I asked for John and the mother said he wasn't in and he called out of the window and he said "is that you Fred", and I said "Yes"; I fell asleep on the lounge.

Q Who was there when you woke up? A. The mother and father and sister.

Q What did you do then? A. I got up and put on my shoes and walked out and went to my sister's house, and got the pitcher and went for a pint of beer, and when I got to the saloon someone said Quinn was shot.

Q Were you in the saloon when Lyons asked for a pistol on the fourth? A. No, sir.

Q Did you hear him ask for a pistol?

A No, sir.

*Sworn to before me
this 12th day of August
1887.*

*Att. Parker,
Notary Public,
Ct. & Co.*

Frederick Becker

0321

-----X
The People

vs.

Daniel Lyons.
-----X

Statement of John Cuddy.

Examined by Mr. Davis:

Q. What is your full name?

A John Cuddy.

Q Where do you live?

A 712 Second Avenue.

Q How long have you lived there?

A I should say about four years.

Q Near what street is that?

A Three doors from the corner of 38th St.

Q You knew Joseph Quinn in his life time?

A Yes, I knew him for about eight or nine years.

Q Associated with him?

A Yes sir.

Q Do you remember the day he was shot?

A Yes sir.

Q Were you with him that day?

A I was talking to him a few-shott time before he was shot:

Q Did you meet him there?

A I met him standing there.- This man Larry Hines and Joseph Quinn were standing on the corner a short way

0322

way

from the corner of 38th Street and Second Avenue, I happened to come along, and Larry Hines and Joe Quinn were talking, I went up to them, and Joe bid me good evening, and the conversation seemed to be private, I stepped a few feet away, and faced over across the way towards the West. I turned around and met Larry Hines. This man Lyons happened to come up Second Avenue from 37th Street. This man Quinn stepped out for to talk to him (Lyons), and it might have been about two minutes, I heard a report of a pistol. Then I turned around quick, and this man Quinn came staggering, as though he was shot out of a cannon. I should judge it was ten feet to where I was standing. He fell in front of me. He said to Hines: "for God's sake get me a priest". We carried him into a drug store.

Q What time of day was it when you first met Quinn?

A I should say it was about twenty-five minutes past five in the evening.

Q And did you meet him at the corner?

A Yes sir.

Q What corner was it ?

A The north-east corner of 38th Street and Second Ave.

Q When you first saw Quinn was anybody with him?

A Larry Hines.

Q Do you mean that they were standing together talking?

A Yes sir.

Q Which way did you come from?

A I came from up town down to 38th Street, on the same

0323

side of the avenue.

Q Was Larry Hines the only person talking to Quinn at that time?

A Yes sir.

Q The only person around there.

A There was peddlers there .

Q Do you know their names?

A Wellington, Reilly and McQuire.

Q Were they on the avenue or in the street?

A On the Avenue.- I did not see them. They claimed they were there.

Q Then you approached Quinn and Hines, did you?

A Yes sir:

Q And spoke to them.

A Yes sir, I spoke to Quinn.

Q Did Hines remain there?

A Yes sir; they were talking before I came along.

Q While you three were talking there, you say Lyons came up Second Avenue ?

A I stepped a few feet away and saw Lyons coming up Second Avenue.

Q How far did you step?

A I should say about six feet, I seen Lyons coming up Second Avenue.

Q When you stepped away did you step towards the direction in which Lyons was coming?

A. No sir.

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Q. Quinn and Hines were between you and Lyons?

A. Yes sir.

Q. Where was Lyons when you first saw him?

A. He was just stepping off the south east corner of 38th Street, down to the crossing of 38th St.

Q. Then you were near the north-east corner and he was stepping down from the south-east corner?

A. Yes sir; coming up Second Avenue.

Q. How far away from Lyons were you when you first saw him step down from the curb?

A. I should judge I was over twenty feet away?

Q. How much over? A. I could not say.

Q. At that time Quinn and Hines were standing together?

A. Yes sir.

Q. Between you and Lyons? A. Yes sir.

Q. How near did Lyons get to Quinn when you saw him last?

A. He approached as close as you and I -- about two feet away.

Q. You watched Lyons until he got within two feet of Quinn?

A. No sir; I did not. Jo Quinn stepped out as soon as he saw Lyons stepping off the corner. Lyons approached him, and the two men started to speak.

Q. While you were looking at Lyons, Quinn stepped away from Hines towards Lyons?

A. He went towards the curb.

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Q And the last you saw of him, Lyons was on the north-east curb and Quinn?

A Yes sir.-- I should say about two minutes they stood there.

Q How long did you see them standing there together?

A About ten seconds; I then turned my head away.

Q After you turned your head away, how long was it before you heard the shot?

A About a minute or a minute and a half -- I did not know that there was anything going to happen-- I knew they had a slight quarrel.

Q What did Hines do.

A I do not know what he done; he was standing beside me a few feet away.

Q I want to know what Hines did when Quinn left his side to go towards Lyons?

A He stood right in the very same place.

Q Which way was his face turned?

A I could not say; I was not looking in his direction.

Q When you saw Quinn talking with Hines, which way was he (Hynes) looking?

A I could not say.

Q How near was Hines to Quinn when Quinn was talking to Lyons?

A I should say about five feet away from him.

Q How far did Quinn move away from the place where he was standing, in order to get to where he was talking with Lyons?

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611
A He moved four or five, may be, six feet

Q After you heard the shot, did you see Lyons?

A Yes sir.

Q What did he do?

A He had a revolver in his hand, that way (indicating), his face white as a sheet. I turned around; he looked me straight in the face. I did not see the revolver, but he was grasping something. His face was pale, and he turned and gave me a glance.

Q After that what did he do?

A He turned around the remainder of his body-- after that I remember nothing -- he went down in the direction of 37th Street. Larry Hines and I picked Joe up, and turned the corner to bring him to his father's. He says: "no; do not let my father see me".

Larry Hines and I brought him down to the drug store, and laid him on the floor.

*Sworn to before me
this 2^d day of August,
1957*

*W.D. Parker
Notary Public,
Ky. Co.*

0327

-----X
The people

vs.

- Daniel Lyons. -
-----X

Frederick Pfeifer's Statement:

Examined by Mr. Davis--

Q Where do you live?

A 715 Second Avenue- and keep a saloon.

Q Do you remember the shooting ?

A Yes sir.

Q On the north-east corner of 38th Street ? A Yes sir.

Q That was on the 5th day of July ?

A Yes sir; about half-past five. I stood at the door and was talking to a friend of mine, and I saw a man take a pistol and point it at another man, on the corner. Seen the shot fired and the other man fell down. Lying there on the sidewalk, he pulled up his legs, as if in pain, and the other man ran away. I did not know either of the men.

Q Did you know any of the people standing there?

A No sir; I cannot tell, it was too far away.

F. Pfeifer
Sworn to before me
this 2d day of Sept.,
1887.
Ad. Barker
Notary Public
N.Y.

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-----X
The People

vs

Daniel Lyons.
-----X

Statement of Lawrence Hines.

Hines is a jail-bird.

Examined by Mr. Davis:-

Q. Where do you live?

A. 313 East 38th Street.- I have lived there about seven or eight years.

Q. How long have you known Quinn the deceased?

A. About a year.

Q. How long have you known Lyons?

A. It might have been six weeks - passing, not personally.

Q. Did you ever meet him in a saloon?

A. Yes sir.

Q. You have drank with Lyons?

A. Yes sir.

Q. You know John Corr? A Yes.

Q. How long have you known him?

A. It might have been a year or two.

Q. Do you know his brother? A Yes sir.- I know John & Willie.

Q. Your acquaintance with Lyons was close enough to enable you to take a drink with him?

A. That is about all; I was never any associate of his.

Q. What business did Lyons have?

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A I could not tell you. He was, comparatively speaking,
a stranger to me.

Q What is your business?

A I was working in the Department of Public Works.

Q When ?

A Last year.

Q When did you cease working there?

A Last December.

Q Since December, what have you been doing.

A I have not been doing anything..

Q Have you been convicted of any crime?

A Yes sir.

Q When were you convicted.

A Seventeen years ago.

Q What was the crime?

A Burglary.

Q You went to State prison ?

A yes sir.

Q How long did you serve there?

A Six years and four or five months .

Q That brought you out when?

A In 1876.

Q Were you arrested after that?

A Yes sir.

Q For the same crime ?

A No.

Q What was it?

A I was arrested on one or two occasions, but I was

0330

innocent.

Q What was the first occasion you were arrested?

A For burglary.

Q When you came out you were arrested again?

A Yes sir.

Q What was it for?

A A party said I attempted to shoot him.

Q Were you indicted ?

A Yes sir.- I pleaded guilty.

Q What year was that?

A It was in 1876.

Q Had you been out long?

A I had not been out long; I got eighteen months - I was made a marker in that case. I was guilty of my first crime; but I did not attempt to shoot the man.

Q Who marked you?

A Policeman that knew me; I pleaded guilty sooner than get a larger sentence.

Q You gave your right name in both cases??

A The first time, for burglary, it was under my own name, the second time I pleaded guilty under the name of John Brown, in 1876, in the general Sessions, I think it was in October, may be a little earlier than that.

Q Is the policeman now on the force?

A I could not tell.

Q What was his name? A I don't know his name.

0331

Q. What precinct? A The 18th.

Q. Who was Captain then?

A If I am not mistaken, I think it was Cameron.- he is dead.

Q. Do you know what judge sentenced you?

A I think it was Hackett- I got eighteen months in State prison

Q. How long after you got were you arrested again.

A I was hardly out any time, when I was arrested on suspicion.

Q. Were you indicted ? A Yes . I was indicted for burglary and was acquitted.

Q. What year was that? A About '77.

Q. Do you remember the month?

A No; I cannot remember it.

Q. Do you know the officer that arrested you?

A His name is Maher; he is on the steamboat squad now.

Q. Where was that burglary alleged to have been committed

A Near 37th Street on Third Avenue.

A You were acquitted ? A Yes sir.

Q. Anybody else indicted with you?

A No; there was a party arrested with me, and were allowed to go at the examination in 57th Street.

Q. You have not been arrested since ? A No sir.

Q. That was in 1877.

A I was arrested once after that on suspicion of robbing a post office.

Q. Were you indicted ? A No.

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Q. Never since ? A No.

Q. Were you an intimate acquaintance of Quinn's ?

A. Not what you would call an intimate acquaintance.

Q. Tell us the story of that afternoon, as you saw it and know it?

A. A little after five o'clock I was standing on the corner and Joe Quinn came up, and came over and said, how do you do, I says, How do you do Joe. We got talking there for a little while, I says, let us go over and get a drink. We went across the way and I drank a milk punch, and he drank sarsaprilla, we had another and we took segars. We came over and was standing in the shade of the butcher's corner. Both had our arms folded. He was facing me, and I was facing the avenue. The first thing you know, I says - he was talking and telling me about having a muss with Lyons the night before, so he did not have time to explain the whole thing, or what it was about. The first thing I saw Lyons coming up the avenue. I told Quinn, I says, " here comes Lyons" up Joe, just look" . I never thought there would be any difficulty. Lyons first got two feet of the sidewalk to the street, when Quinn walked over to him. Whatever conversation they had, I could not understand it, I was about ten feet away.

Q. Was Cuddy there ? A Yes sir.

Q. How far was he away from you?

A. Cuddy was about a foot or so.

Q. Were you between Cuddy and Lyons? A Yes.

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Q Had Cuddy been talking with you there?

A Not with me. He came over and says, hello Joe. Joe commenced talking a few words and then stopped.

Q What did Cuddy do?

A He did not do anything.

Q How long had you been talking there when Cuddy came up?

A A few minutes.

Q Did Cuddy speak to you? A Just nodded.

Q Did he join in the conversation? A No.

Q Did he hear what Quinn was saying to you?

A I could not tell - he could have heard it.

Q He was standing up as if listening? A Yes.

Q When Quinn moved towards Lyons, was you near Cuddy.

A Yes sir.

Q Did you have any conversation with Cuddy.

A No.

Q You saw Lyons and Quinn together?

A Yes.

Q How near together?

A Hardly two feet apart.

Q On the sidewalk? A Yes sir.

Q Near the curb? A yes sir.

Q Which way was Quinn facing?

A He was facing Lyons.

Q Which way was that?

A Lyons stepped down, of a little elevation, about six inches high of sidewalk there, Quinn stepped down and

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walked over towards the corner, as soon as Lyons got on
----the corner, they had some conversation, about a minute
or so, the first thing there was a shot - it was like
as if a cannon struck him, he flew right past. He says:
"Boys, I am shot"

Quinn was facing down the Avenue towards 37th St. and
Lyons was facing towards 39th St.

Q You were standing about how far away?

A About ten feet away.

Q On which side of them?

A I was behind Quinn, facing towards the east side of
Second Avenue. I could not understand what they said.

Q You could see from where you stood the back of Quinn's
head and a portion of his face, the left side of his
face, and you could see a portion of Lyons' face,
particularly on the right side? A Yes sir.

Q At that time, how far was Cuddy away from you?

A He must have been about a foot away from me towards
39th Street.

Q Were you looking down or up the Avenue at that time,
when you saw them together?

A I looked and saw them together and then looked across
the way.

Q Had you been looking at them at the time the shot
was fired, you could have seen everything that was
done?

A Yes sir; I suppose I could.

Q When you heard the shot, were they standing in the

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same relative positions?

A Yes sir.- and then Quinn went right up past, saying:
"boys, I am shot", or words to that effect. I grabbed
hold of him.

Q Did you ever hear Lyons make any threat against
Quinn? A Never.

Q Do you know of any disturbance they ever had?

A Only what I have heard.

Q Do you know Alexander Neal?

A I know him to see him.

Q How long have you known him.

A I have known him a year.

Q You have seen him in Coggr's place? A I have.

I am a King

Sworn to before me this
2d day of August, 1887.

W. W. Barker

Notary Public
N.Y. Co.

0336

----- X
The People

vs.

Daniel Lyons
-----X

Annie Bolger's Statement:

Examined by Mr. Davis:-

Q. Where do you live?

A. 312 East 38th Street.

Q. Your husband's name is ?

A. James Bulger.

Q. Do you remember the 5th day of July?

A. Yes sir; it was on Tuesday night.

Q. Did you hear the shooting ?

A. I heard the shot, yes.

Q. Did you see Dan Lyons in that neighborhood previous to the shooting.

A. I seen him lingering around there.

Q. What time did you first see him?

A. About twenty minutes to five.

Q. Where was he when you first saw him?

A. On the corner of 38th Street and Second Avenue, near Boyle's liquor store.

Q. How was he acting there at that time?

A. He was walking from the liquor store to the tobacco shop, as if waiting or watching for somebody.

Q. He walked across and back again?

A. I saw him do that twice.

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Q Was he looking around as though watching for somebody?

A Yes sir; ~~he walked from 37th up towards 39th Street.~~

Q How long did you see him?

A It was twenty minutes to five when I first met him, after that I saw him on the tobacco factory corner. After that I did not see him until I heard the shot.

Q What time was it when you first saw Joe Quinn on the corner?

A I did not see him until I saw him throw up his hands.

Q When you saw Lyons looking around, Quinn was not there?

A No sir.

Ans. Annie Balger
Sworn to before me this
2d day of August, 1887.

J. D. Parker,
Notary Public,
N.Y. Co.

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A About five feet nine inches, I think, I do not think I made any measurement - that is about his height.

Q Did you judge as to what was his weight?

A No sir, I don't think I could.

Q Can you give us an approximate of it?

A I should say about 165 pounds.

Q A man of fine form?

A Yes sir.

Q Can you say doctor, from an examination of his body, was he a man who had been trained down fine?

A I could not say as to that.

Q His muscles were hard and well developed?

A I noticed that, yes.

OFFICER BERNARD MULLARKEY, being first duly sworn by the Coroner, testified as follows:

By the Coroner :-

Q What is your name?

A Bernard Mullarkey.

Q What Precinct?

A 21st Precinct.

Q Are you detailed as a special officer?

A Yes sir.

Q Detective?

A Yes sir.

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Q. You tell the jury in what manner you were connected with this case of

A. On the evening of the 5th of July I was notified that there was a shooting took place, corner of 38th Street and Second Avenue, I went down there and learned that this Joseph Quinn was shot. From information I received I made proper efforts to find Daniel Lyons the murderer. I received a good deal of information which did not turn out true, and I finally received information that he was in the City of Pittsburg, Penn. I went on there in company with Officer Duncan, and got him in the jail in Pittsburg. He admitted the shooting, and said: "that if he had not done it, he would have been killed himself".

We asked him why he had shot Quinn, and he said that if he had not shot him he would have been killed himself.

By the Coroner:--

Q. Who was present when he made that statement?

A. Officer Duncan.-- We had to wait there afterwards for a requisition to bring him on to New York, and we brought him on.

By the Coroner:-- You obtained a requisition? A Yes sir.

A. And brought him on to New York? A. Yes sir.

Q. This is Lyons, the prisoner stand --!

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A Yes sir. I brought him on to New York, and turned him over to Captain Ryan.

Cross-examination.

By defendant's counsel:-

Q Officer you stated you received some information that led you to believe that Lyons was in Pittsburg?

A Yes sir.

Q What day of the month was it you received this information, on the 5th or 6th of July?

A I think it was on the 22nd.

Q It was some considerable time after the shooting?

A Yes.

Q Where were you when you received this information, at the Station House?

A No sir; I was coming through 34th Street.

Q From whom did you receive this information, that the prisoner was in Pittsburg?

A It was from a private party, not from any official in Pittsburg or in New York.

Q Did not the information come to you from a letter which it is claimed, Lyons wrote in Pittsburg?

A Yes.

Q Was that letter handed to you?

A No sir.

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Q. You were told by this party?

A. Yes sir?

Q. Then this party that told you had seen the letter?

A. Yes sir.

Q. That is how you learned that he was in Pittsburg?

A. Yes sir.

Q. That is the first information you had?

A. Yes sir.

Q. Officer, you have stated on your direct-examination that Daniel Lyons admitted to you in the presence of Officer Duncan, that he had shot Joseph Quinn?

A. Yes sir.

Q. Where was this admission made?

A. In Pittsburg, in the jail.

Q. You had a consultation with him there?

A. Yes sir, a few words.

Q. Give us the substance of that conversation?

Q. We asked him why he ran away after the shooting.

Q. Who asked him? A. Duncan did., and he said that if he had not run he would be killed, and that Quinn had a Chinese fan, with a knife or dagger; that he was approaching him with in his hand. He said that Quinn held this Chinese dagger in his hand, when he was shot.

Q. Did Lyons at the time you had this conversation with him

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in Pittsburg, did he show you a cut that he had on his chin?

A I think that it was in the cars that he showed it.

Q Did you observe it at the time?

A No sir.

Q Do you mean to say, that he told you that he had received this cut from Quinn, and you did not look at it?

A I looked at it in the cars; it did not look to be fresh. He had a heavy beard, and I could not see very well, - I did not examine it very carefully.

0343

COURT OF GENERAL SESSIONS OF THE PEACE,

in and for the City and County of New York.

People of the State of New York

vs.

D a n i e l L y o n s .

City and County of New York, ss:

JAMES DUNCAN being duly sworn deposes and says
as follows:

I am an officer of police attached to the police force of the City of New York. The police authorities of New York having received information that one Joseph F. Quinn had been shot and killed by the above named defendant on the 5th of July, 1887, in the City of New York, I was detailed by Captain Ryan of the Twenty-first Precinct upon special duty to arrest the defendant. Pursuant to my instructions I went to Pittsburg, Pennsylvania, and there found the above named defendant under arrest on a charge of burglary committed in the State of Pennsylvania. After I had been in Pittsburg a short time defendant was discharged upon this charge and I thereupon arrested him upon the charge of having killed Joseph F. Quinn in the City of New York on the said 5th day of July, 1887. Upon this charge and to await the action of the Governor of the State of New York the said Lyons was placed under arrest and confined in the jail at Pittsburg. While there in July I had a conversation with the said Lyons in which he acknowledged to me that he had shot Quinn on the said 5th day of July 1887, and that

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in order to avoid the consequences of his act he had left the State of New York and had gone into the State of Pennsylvania. He also stated to me that he was willing to return to the State of New York to answer the charge of having killed Quirm. The said Lyons is now confined in the Jail at Pittsburg awaiting the action of the Governor of this State.

Sworn to before me this :
25th day of July 1887. :

0345

STATE OF NEW YORK.

CITY AND COUNTY OF NEW YORK, SS.

AN INQUISITION,

Taken at the house of Coroner's Office

No. 67 Park Row Street in the 4th Ward of the City of
New York, in the County of New York, this 3 day of August
in the year of our Lord one thousand eight hundred and 87 before

Ferdinand Levy

Coroner,

of the City and County aforesaid, on view of the Body of Joseph Francis Quinn
lying dead at

Upon the Oaths and Affirmations of
good and lawful men of the State of New York, duly chosen and
sworn, or affirmed and charged to inquire, on behalf of said people, how and in what manner the said
Joseph Francis Quinn came to his death, do
upon their Oaths and Affirmations, say: That the said Joseph Francis Quinn
came to his death by

Hemorrhage from Pistol shot wound
of the abdomen, from a Pistol in the hands of Daniel M. Lyons
at 38th Street and 2nd Ave on July 5/87 about 5:30 PM.

In Witness Whereof, We, the said Jurors, as well as the CORONER, have to this Inquisition
set our hands and seals, on the day and place aforesaid.

JURORS.

Harry Weinberg 750 3rd Ave	Clinton N Allen 188 8th Ave
T. Kipette 145 8th Ave	Charles L. Abbott 137 8th Ave
Chas W Carson 91 184 8th Ave	Harris Bronzov 133 8th Ave
Bernard Kitzpatrick 199 8th Ave	Jacob Berliner 18 Catherine St
J. J. Beck 203 8th Ave	Frank Spedini 200 8th Ave
John Pelster 146 8th Ave	Harris Beaver 141 8th Ave
John S Avery 202 8th Ave	Edinger 207 8th Ave
Ferdinand Levy	

CORONER, L. S.

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Coroner's Office.

TESTIMONY.

Autopsy

An #712 Second No., July 6th/87
at 520 P.M.

Joseph J. Quinn, age 25 years 6 mos.
14 days. White, Single.

Rigor mortis well marked, body muscular
and well nourished. Height 5 ft 9 in.

On the abdominal wall $3\frac{1}{2}$ inches to the
left, $\frac{3}{4}$ inch above the umbilicus there
is a penetrating pistol shot wound of
the abdomen. Upon opening the
chest and abdomen find the
abdominal cavity filled with clotted
fluid blood - with a perforation of
the stomach and duodenum, and
mesentery, with profuse
hemorrhage. Bullet fractured the
body of 12 lumbar vertebra and was slightly
deflected downwards and lay in
front of 5 dorsal vertebra.

Direction of track of bullet was inwards
backwards and slightly downwards.
Thoracic and abdominal organs
normal.

Cause of death was: hemorrhage
from pistol shot wound above de-
scribed.

W. J. Austin M.D.
Coroner's Phy.

Taken before me

this

3rd

day of

August

1887

William H. Lloyd

CORONER.

0347

Coroner's Office,

CITY AND COUNTY }
OF NEW YORK, } ss.

Daniel M. Lyons being duly examined before the undersigned, according to law, on the annexed charge, and being informed that he was at liberty to answer or not, all or any questions put to him, states as follows, viz. :

Question—What is your name?

Answer— *Daniel M. Lyons*

Question—How old are you?

Answer— *27 years*

Question—Where were you born?

Answer— *New York*

Question—Where do you live?

Answer— *691 First Ave*

Question—What is your occupation?

Answer— *Gas fitter*

Question—Have you anything to say, and if so, what, relative to the charge here preferred against you?

By advice of Counsel I decline to make any statement.

Daniel M. Lyons

Taken before me, this *5* day of *August* 188*7*

Ferdinand Levy

CORONER.

0348

MEMORANDUM.

AGE.	PLACE OF NATIVITY.	WHERE FOUND.	DATE, When Reported.
25 Years. 6 Months. 14 Days.	New York	712 Second Ave. fr. Bellevue Hosp.	July 6/87

3rd, June 123 1887

HOMICIDE

* 1157

AN INQUISITION

On the VIEW of the BODY of

Joseph Francisco Luciani

whereby it is found that he came to
his Death by the hands of

Daniel Mc Lyons.

Onquest taken on the
3rd day
of August 4
1887
before
Jerdin and Levy Coroner.

Committed

Bailed

Discharged

Date of death July 5/87

MEMORANDUM.

AGE.	25 Years. 6 Months. 14 Days.
PLACE OF NATIVITY.	New York
WHERE FOUND.	712 Second Ave. New York
DATE When Reported.	July 6/87

Dr. Beecroft.

0349

3rd. Quar. 1887
HOMICIDE.
* 1157

AN INQUISITION

On the VIEW of the BODY of

Joseph Francis Quinn

whereby it is found that he came to
his Death by the hands of

Daniel McLyons.

Inquest taken on the 3rd day
of August 1887
before
of District Attorney
OFFICE.

Ferdinand Levy Coroner.

Committed

Bailed

Discharged

Date of death. July 5/87

0350

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Daniel Lejones

(murder.)

*Affidavits & Statements
of
Witnesses for People*

RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

0351

-----X
The ^r people

vs

Daniel Lyons
-----X

City and County of New York, SS:

Terence Quinn, being duly sworn deposes and says : I reside at 301 East 38th Street. I am between sixty and seventy years of age. Born in Ireland, County of Leitrim. I am the father of the deceased herein. I do no business and for the last three or four years I have been dependent upon my sons for support, and principally upon my deceased son. Before that I was canvassing upon commission for a living. It is and has been my custom to do all the marketing for the family, which consisted of myself, my son, John J. Quinn aged about twenty-seven and the deceased aged about twenty-five. On the morning of the fifth of July last at about a quarter to six I left my house and went to the butcher shop between Second and Third Avenue on the South side, nearer Third than Second Avenue. There I bought some mutton chops, and stayed there only four or five minutes, during the time it took to cut them and put them up for me, then, I started towards home. The whole thing, if I had not been interrupted, would have taken me not more than fifteen minutes from the time I started out until I reached home on my return. But when I was coming back I saw three men sitting on the stone steps under the

0352

W

butcher store window of the building on the North-east corner of 38th Street and Second Avenue - they sat on the 38th Street side, between the stairs that go down to the area and the stoop door that goes into the back part of the house. The three men were Frank Waters, whose residence John J. Quinn, my son, knows, and who works in 323 East 28th Street, with Parry Bros. at Soda Water Manufacturing, the place where my son John J. Quinn got for him; this man Lyons, and a third man, whom I think was either Cuddy or Abe Ledwith, but my memory has failed me so much since this occurrence that I cannot tell for certain which of them it was, but I am quite certain it was one of them. When I got close to the crowd, Lyons raised his hat or made a waive of his of his hand saluting me, and saying good morning Mr. Quinn, I nodded to him and was walking on when Frank Waters arose and came to me and said, "will you let me have ten cents Mr. Quinn. I looked at him, and judging from the appearance of his eyes that he had been on a spree, and I told him I would not let him have it and that he ought to be attending to his work. I was then about proceeding on my way when Lyons came up and pushed in between us, we standing not more than a foot or two apart, and he says; "Mr. Quinn, I am going to make you a "present, will you be home at twelve o'clock" . I answered I will see. Then says he: "If you are not home at twelve, "you will be at home at five anyhow". He knew I would generally be home at five. He used to see me coming home, as I used to be out canvassing for insurance. I then walked of, and he said after me, as I walked away: "It is

0353

"for yourself personally; I will make you this personally"
I then went on and thought no more about it. I have seen
Lyons probably five or six times only to the best of my
recollection. I never spoke to him, although he used to say
good morning Mr. Quinn. I would only nod to him.- I ans-
wered him once. I said good morning, when I was in close
... contact with him. My deceased son told me not to speak to
him as he was a bad character. I was amazed when he told
me he was going to make me a present, because nothing in
our relations theretofore warranted any such thing, and
the only relations he ever had with any member of our
family tended rather to negative the idea of making pres-
ents than otherwise.

Sworn to before me this

day of September, 1887.

0354

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Daniel Lyons

*Applicant
of
Terence Quinn*

RANDOLPH B. MARTINE,
DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0355

COURT OF GENERAL SESSIONS OF THE PEACE
Of the City and County of New York.

The People of the State of New York

Against

Daniel Lyons.

City and County of New York, SS:

John Cuddy, being duly sworn deposes and says,
as follows:- I live at 712 Second Avenue, New York City.
On the 5th day of July, 1937, I, at about half-past five
in the evening was standing near the north-east corner
of 38th street and Second Avenue, in company with the
deceased Joseph Quinn, and Larry Hines. The deceased
and Hines were talking together, and I moved away from
them towards 39th street, and stood within about six
feet of them. While they were talking together, I saw
the above named defendant, Lyons, approaching from 37th
street, on the same side of the street, and when he was
crossing from the south-east to the north-east corner
of 38th street and Second Avenue, the deceased stepped
towards him as if to speak. When he had got within three
feet of the defendant, while I was looking in another
direction, I heard the report of a pistol, and on turning
around I saw the deceased stagger towards me. He had
been shot. Lyons then stepped back towards 37th street,
and I saw him covering something in his two hands, which

0356

he held down to his side. I judged it was a pistol,
though I did not see it.. Larry Hines and I then picked
the deceased up and took him to a drug store. While we
were in the drug store with the deceased, an Officer
asked him, who shot him, and I heard him say: "Dan Lyons".

Sworn to before me this

21st day of July, 1937.

John L. Luddy

John L. Luddy
D. S. 21-

0357

People

vs

Lyons

John Cuddy confirms what Terence Quinn says concerning the interview in the early morning, except that he did not hear the conversation which Quinn had with Lyons, but says that Lyons himself on returning to the group said he liked old man Quinn and was going to give him a present of a bronze clock.

0358

COURT OF GENERAL SESSIONS OF THE PEACE
Of the City and County of New York.

The People of the State of New York

Against

Daniel Lyons.

City and County of New York, SS:

Lawrence Hines, being duly sworn, deposes and says,
as follows: I reside at No. 313 East 88th street, in
New York City. On the 5th day of July, 1887, at a little
before half-past five in the evening, I was standing on
the north-east corner of Second Avenue and 88th street,
in this City, talking with the deceased, Joseph P. Quinn.
After we had conversed for a little while, I saw the
defendant, Daniel Lyons, coming up Second Avenue, on the
east side, from 87th street. He came towards the deceased
and myself, and when he reached the curb of the corner
on which we were standing, the deceased walked towards
him, and engaged in a conversation, the subject of which
I could not hear. I was about ten feet away. There was
no quarrel between them, that I could see. After Quinn
and the defendant had been together almost a minute, as
near as I can judge, I heard a shot. Quinn darted by me,
with his hand on his groin, and exclaimed: "Boys, I am shot;
pick me up." Just then Lyons turned and ran across
the avenue towards 87th street, and as he ran I saw him

0359

feeling under his coat on the right side, as if attempt-
ing to conceal something in his hip pocket. With the
assistance of others, who were near by, I picked up the
deceased and took him to a drug store, from which he was
taken to the hospital in an ambulance, where, I am in-
formed, he subsequently died on the same day, at half-
past seven in the evening.

Sworn to before me this

7th day of July, 1887.

Samuel Hines

Jos. Potter
D. L. C.

0360

COURT OF GENERAL SESSIONS.

-----X

The people &c.

vs.

Daniel Lyons. -----X

City and County of New York, SS:

Mary Beezy Campbell, being duly sworn, deposes and says; I am years old. I reside at
in this City. I have for some time supported myself by
prostitution. I am and for years last past been
acquainted with Mary Irving, whose affidavit is presented
on the application for a new trial herein. She is a
prostitute and I have travelled with her. She is not
married, and I don't know where she now resides. She has
been a prostitute for years last past.

0361

THE PEOPLE OF THE STATE OF
NEW YORK,

against

David Lyons

Defendant

Mary Bagg Campbell
John C. Williams
RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0362

COURT OF GENERAL SESSIONS.

-----X
The People &c.

vs.

Daniel Lyons
-----X

City and County of New York, SS:

Lawrence Hynes, Being duly sworn deposes
and says, I reside at
and am engaged in the business of
I testified in the trial of this case. I was present
as was John Lally & John Cuddy at the time of the shoot-
ing of Quinn by Lyons, we all three were only a few feet
away from those two at the time of the shooting. I have
heard read the affidavits of Mary Irving and Alice
Hennessy in support of the application for a new trial
herein. I did not see either of them at or near the
scene of the shooting at the time or afterwards.

0363

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Daniel Lyons

Opponent of
Lawrence Hynes,

John R. Fellows
RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0364

George Allen: 37 1/2th St
Nisbitts Brick yard

Michael Kelly
Cabman at Desjardins
Street Ferry

Joseph Rieley
McCabe's Linen Store
First Ave near 29th St.

Katie Kuncel

Mrs. Lyons 6th St
She can tell where some
of the Witnesses live
Wearing Bloody Shirt

0365

~~Frank White~~
38 St. and 2nd Ave,

Barnes Canal
35 St. and 2nd Ave,

Willie Guffney

563 First Ave

Natie Kemmick

down turn side
35 St bet, 1st and
2nd Ave, near 1st Ave
if she aint in she
is Mrs Glovers room

0366

Mr. Gus Lederer
2nd Ave. Room 38
Barber Shop.

0367

Yes

try and get down to Centre
street before 10 o'clock to-
morrow, you need not
tell any one your business
but my lawyer, you must
be notified, if I get a new
trust as you, will have

0368

To do at my lawyers office
is to sign a statement. I have
wrote out, you wont have to
go to any Court, and the
whole business wont occupy half
an hour, but if you feel like it
you can drop in hear the
Warden will let you see me
yours *Dean J.*

0369

Friend Gus

I write you this letter to you, because, my life, hangs, on your word. I want you to come down and tell the truth in regard to my chin not being cut, when you shaved me last. I know, Gus, you or your father ain't friendly towards me, but I also you would not stand idly by and see me ~~to~~ slaughtered, when a word from you, would ~~save~~ save my life its mouse talking. Gus, I did not get a fair show, and if they do me with the pile of new evidence I have, it is rank.

0370

murder, I have overwhelming
evidence to prove, I was not
the direct cause of poor Joe's death
but the fault of the man who gave
me the pistol I have to keep quiet
about, it won't, my new trial and
rest assured I won't be the only
one who will have to suffer, Gus I
have 6 witnesses who saw me, one hour
before, ~~before~~ the thing occurred and
they saw no cut on me, but you
being my barber, will help me
greatly, Now, Gus, if you would go
down to my lawyers 73 Centre St
I will pay your wages for the time
you, last. I have some big people at
my back now who know I got no show
and they are going to probe this thing
to the bottom Gus I depend on you to
tell the truth, as God knows I never injured
you or yours

Dan Lyons

0371

Court of General Sessions
of the City and County of New York
The People etc.

against
Daniel Lyons

City and County of New York ss
Joseph Pirialdi being
duly sworn, says that he resides
at No 81 Madison street and has
a place of business at No 43 Madis-
son street in said City and is by occu-
pation a barber. Since about No-
vember 1886, he has been the barber
for the Tombs and has been in the
habit since that time of calling
there two or three times a week
for the purpose of shaving prisoners
who might desire his services. That
some time during the latter part of
July or the first part of August 1887,
the deponent was requested by the
above named defendant to shave him
which the deponent did. That the
defendant had on his face before
being shaved beard of a few weeks
growth, that as the deponent was sha-
ving the defendant, the defendant
said to deponent, "look out I have got
a cut on my chin", that the deponent

0372

noticed the cut, and noticed that
-at the same time there was a scale
on it, that deponent judged from
the appearance of the said scale,
that the wound or injury to the de-
fendants chin was inflicted wi-
thin a few ~~weeks~~ prior to that time,
that the deponent has had a large
experience in judging of such mat-
ters by reason of his occupation,
that the defendant there and then
informed deponent that said wound
was inflicted upon him on the
5th day of July 1887 by Joe Quinn.

Sworn to before me }
this 6th day of February } Joseph F. Binaldi
1888.

Stephen S. Blake
Clerk of Deeds
N.Y. City & Co.

0373

Court of General Sessions
of the City and County of New York

The People etc.

against

Daniel Lyons.

City and County of New York s.s.

Joseph Riley being duly sworn says, that he resides at No 331 West 27th street in said city, that he is by occupation a Nickel plate, that on the afternoon of the 5th of July 1887, between the hours of 5 and 6 o'clock, the deponent was passing up 1st avenue between 35th and 36th streets in said city and the above named defendant whom he knew passing down said avenue, that the deponent noticed the defendant holding a handkerchief to his chin, which was bleeding, and the handkerchief had upon it blood stains, that there upon the deponent said to the defendant, as he was passing "hello Dan, what is the matter?" that the deponent seemed very much excited and walked rapidly on without making any reply, deponent then walked up the avenue, that deponent did not inform Counsel for the defen

How 4 6

0374

dant of these facts before the trial
as deponent believed that as he
did not witness the shooting, his
evidence was not of any importance
that he came to their office on this
6th day of February and informed
them of the foregoing facts and
they assured him that his evidence
is of the utmost importance and
for that reason and in the interests
of Justice, he makes this affida-
vit.

Sworn to before me }
this 6th day of February } Joseph Riley.
1888.

Stephen Blake
Comm. of Deeds
N.Y. City & Co.

0375

General Denial

The People etc

against

Daniel Lyons

Motion for a New Trial

*on newly discovered
evidence.*

McDonavits

W. Reid Goid, Law Blank Publisher, 168 Nassau St., N. Y.

BLAKE & SULLIVAN,
COUNSELLORS AT LAW,
No. 71 CENTRE STREET, N.Y.

0377

Court of General Sessions of the Peace,
HELD IN AND FOR THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE ON THE COMPLAINT OF

Bernard Mulroney

vs.

Daniel Lyons

PART 2

OFFENSE,

Murder.

CITY AND COUNTY OF NEW YORK, ss.:

James Duncan being duly sworn, deposes and says:

That he is a Police Officer attached to the 21st Precinct That *Catharine Gorey* is a material and necessary witness on behalf of the People herein That deponent is informed and verily believes that the said *Catharine Gorey* will not appear to testify when required, from the fact that *the said Catharine has no fixed habitation; she does not live with her parents, but supports herself by prostitution. Her husband was heretofore sentenced to one year & a half imprisonment in State Prison from this County for robbery, & served said term of imprisonment; that he is now in the City Prison awaiting trial under an indictment for highway robbery & that said witness is of bad reputation.*

Wherefore deponent prays that the said *Catharine Gorey* be required to give sufficient security to assure her attendance when required as a witness, or upon a refusal to furnish such security that she be committed to the House for the Detention of Witnesses, until she be legally discharged.

Sworn to before me, this 10th day of September 1887.

James Duncan
Notary Public
N.Y.C.

0378

It appearing by the within affidavit that there is reasonable cause to believe that Catharine Gorey will not appear to testify, or cannot be served with the process of this Court when required,

I hereby ORDER that the said Catharine Gorey enter into Recognizance with security in the sum of 75 Hundred Dollars for her appearance as a witness against the said defendant, and it is further ORDERED, if the said Catharine Gorey fail to furnish such security for her appearance, that she be committed to the House for the Detention of Witnesses until she give such security or be legally discharged.

Dated New York, September 15, 1887.

Recorder

Court of General Sessions of the Peace.

PART 2

THE PEOPLE, ETC., ON THE
COMPLAINT OF

Thomas J. Callahan

vs.

Daniel Lyons

OFFENSE

Murder

Affidavit and Order to Commit to the House
for the Detention of Witnesses.

RANDOLPH B. MARTINE,
District Attorney,
NEW YORK COUNTY.

Folio 1.

Court of General Sessions
City and County of New York

The People etc
against
Daniel Lyons

To John R. Fellows Esq.
District attorney

Sir

Please to take
notice that on Friday the 3rd day of February
1888 at the hour of 11 o'clock in the forenoon
of said day or as soon thereafter as counsel
can be heard the writ make a motion before
Hon Frederick Smyth Recorder in part III of
the Court of General Sessions for a new trial
on the ground of newly discovered evidence
in the case of the above named defendant now
under sentence of death for the murder
of one Joseph J Quinn.

Dated New York
Jan 31st 1888

John R.
Fellows & Sullivan
Defendants attorneys
71 Centre St
N.Y. City

0380

General Sessions

The People vs

Oliver Lopez

Motion for New
Trial on ground
of newly discovered
evidence

RECEIVED
JAN 31 1988
DISTRICT ATTORNEY'S OFFICE
J. J. [Signature]

0381

COURT OF GENERAL SESSIONS.

The People vs.

vs.

Daniel Lyons

City and County of New York, SS:

John Cuddy, being duly sworn deposes
and says, I reside at *712 Second Avenue*
and am engaged in the business of *Saloon keeper*
I testified in the trial of this case. I was present
as was Lawrence Hynes, ~~& John~~ ^{*sally*} at the time of the shoot-
ing of Quinn by Lyons, we ~~all three~~ were only a few feet
away from those two at the time of the shooting. I have
heard read the affidavits of Mary Irving and Alice
Hemmessey in support of the application for a new trial
herein. I did not see either of them at or near the
scene of the shooting at the time or afterwards.

I
heard no loud talking between Quinn
& Lyons during any part of
their interview.
John Cuddy

Sworn to before me
this 9th day of Feb,
1888

Notary Public
N.Y.C.

0382

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Samuel Lyons

Applicant
of

John C. Quady
John P. Wallace
RICHARD B. MARINE

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,

NEW YORK CITY.

The people etc
 Against
 Daniel Lyons }

City and County of New York ss.

Daniel Lyons being duly sworn says that he is the defendant above named and is now confined in the City Prison under sentence of death. - That he is not acquainted with either of the affiants in the accompanying affidavits to wit Alice Hennessey and Mary Dwyer that until about the time when they made the said affidavits he had never heard of either of them that at the time of his trial he was not aware that they were witnesses of the trouble between him and Joseph J. Quinn which resulted in the death of said Quinn and that they could if called as witnesses testify on his behalf - Daniel Lyons

Sworn to before me
 this 2nd day of February
 1888.

Stephen S. Blake
 Comr. of Deeds
 N.Y. City & Co.

0384

Court of General Sessions.
The people & etc }
vs.
Daniel Lyons.

City and County of New York ss.
Thomas J. Sullivan

being duly sworn says that he is
of Counsel for the above named defen-
dant Daniel Lyons. That on the day
of September 1887 the said defendant
was brought to trial before the Hon.
Fredk. Smyth Recorder and a
jury upon an indictment with
the murder of one Joseph J. Quinn,
that on the 26th day of September 1887
on the 5th day of July 1887, the jury
rendered a verdict finding this
defendant guilty of the Crime of
Murder in the first degree and
on the 30th day of September 1887
the defendant was sentenced by
the said Recorder to be hanged
of the 25th day of November 1887 -
Thereupon the defendant moved
for a new trial and a Stay of
Judgement which motion was
denied, from which decision
and Judgement this defendant

appealed to the Court of Appeals
 which Appeal is still pending
 and still undetermined, That
 deponent knows that due diligence
 and every effort was used on
 the part of defendant and his
 Counsel to procure and present
 to the Court and Jury all the
 evidence within their knowledge
 that might properly be presen-
 ted on said trial. - That neither
 he the deponent nor Mr. Blake
 his associate in the Case as he
 is informed and believes knew
 of the existence even of Mary Dr-
 ving and Alice Hennessey the
 affiants in the annexed affida-
 vite, that the first time the depo-
 nent saw or heard of said Mary
 Drving was on the day of the
 date of her affidavit when she
 came to his office and informed
 Mr. Blake ^{and} himself that her spi-
 ritual adviser had advised
 her to see the Counsel of Daniel
 Lyons and inform them of the
 important knowledge which
 she possessed in respect to
 the case of said Lyons where
 upon and on the same day
 the said Mary Drving made

and swore to the accompanying affidavit and there and there informed Counsel of the name of her Companion on the 5th day of July 1887 to wit the aforesaid Alice Hennessey and that subsequently thereto to wit, on the day of the date of her affidavit the said Alice Hennessey came to the office of Counsel and made and swore to her affidavit also hereto annexed. -

That the evidence contained in the aforesaid affidavit has been discovered since the trial of the defendant and in the manner herein before set forth. - That the failure to produce the same in the trial of this Cause was not owing to any want of diligence on the part of defendant or his Counsel and that if the defendant is granted another trial he can produce the said Mary Dwyer and Alice Hennessey who will testify to the facts sworn to in their respective affidavits and deponent believes

0387

that if such evidence had been
received in the former trial it
not only probably, but a most
of a surely would have changed
the verdict in this cause

Sworn to before me }
this 17th day Jan'y 1888 } Thomas J. Sullivan
Stephen S. Blake
Comm. of deeds
N.Y. City & Co

Folio 1

Court of General Sessions.

City and County of New York.

The people vs

vs.

Daniel Lyons }

State of New York

City & County of New York ss.

Alice Hennessy being duly sworn says she resides at 71 Crys-
tie St in the city of New York. That
she is 35 years of age and married
That on the 5th day of July 1889.
she was accompanied by Mary
Driving the deponent in the annexed
affidavit walking up 2nd Avenue
in said city intending to go as
far as 42nd. That, while passing
by the north east corner of 38th
st. and 2nd Avenue, she saw two
men standing some ten or twelve
feet from the corner engaged in
conversation. Suddenly one of the
men, whose name deponent's compa-
nion subsequently informed, was
quickly wheeled around and rushed
toward the corner and stopped a
young man who was a few feet be-

hind deponent. Deponent and said Mary Irving thereupon turned around to see what the trouble might be as she suspected from the manner and the wild and angry look upon the face of said Quinn that he intended to make an attack upon some one. Thereupon there were some loud and angry words between Quinn and the other party whom deponent has since learned was a person by the name of Daniel Lyons. Then saw the said Quinn striking the said Lyons a terrible blow either on the chin or under the chin deponent can not say ^{which} nor can she say positively whether it was a blow given with the fist or something said Quinn held in his hand. That Lyons staggered back a few feet and Quinn followed after him. That at that time deponent saw blood on Lyons chin. That Lyons then exclaimed go away I don't wish to have anything to do with you. Then Quinn raised his arm to strike Lyons again and thereupon deponent saw Lyons draw a pistol as deponent thought out of his side coat pocket. Deponent

then turned to go away and immediately heard a pistol shot That deponent and her companion proceeded on their way toward 4th street. That deponent had no acquaintance with either Quinn or Lyons or any member of their families and to the best of her belief and knowledge had never ^{seen} ~~seen~~ either of them before the occurrence herein referred to That she is informed that said Lyons was tried for the murder of said Quinn and convicted of the crime of murder in the first degree That at the time of said trial the deponent was not in the city of New York but was visiting a cousin of hers residing in Fishkill in this state.

Sworn to before me }
 this 12th day of } Mrs. Alice Hennessy
 January 1888 }
 Charles P. Logan
 Com^r of Deeds
 City & Co. of N.Y.

0391

General Sessions

The People vs.

vs.
Daniel Lyons

~~Copied~~
Applicants

BLAKE & SULLIVAN,
COUNSELLORS AT LAW,
No. 71 CENTRE STREET, N. Y.

0392

The people vs.
vs.
Daniel Lyons }

State of New York

City & County of New York ss.

Mary Irving

being duly sworn says that
she resides at 138 Mc Dougall
Street in the City of New York
and is twenty years of age
That on the 5th day of July 1887
she was walking along 2nd Ave-
nue in company with another
young lady by the name of Alice
Hennessy, that at about the
hour of five o'clock on said
day they were passing 38th
Street and Second Avenue and
there saw Daniel Lyons the de-
fendant and also saw a per-
son known to her by the name
of Joseph Quinn, that she saw
the said Quinn approach said
Lyons, in a threatening attitude
and saw said Quinn actually
strike the aforesaid defendant
upon the chin, with something

0393

which he the said Quinn then
and there held in his hand
that as soon as the aforesaid
blow was struck by Quinn the
deponent saw Lyons the defen-
dant put up his handker-
chief to his face or chin ~~where~~
which deponent saw was blee-
ding. Deponent further says
that as soon as Quinn had
struck Lyons that Lyons stag-
gered back from the force
of said blow and that Quinn
immediately proceeded to fol-
low up the blow by another,
when Lyons in the hearing
and presence of this deponent
said "Keep away from me, I
don't want to have anything
to do with you" That the force
of said blow delivered by Quinn
so staggered Lyons that he was
precipitated toward the gutter,
and that immediately after
having struck said blow,
Quinn followed Lyons up clo-
sely and again had his arm
raised to strike Lyons when de-

0394

deponent saw Lyons then for the first time draw the pistol and that as soon she saw the said pistol she started away being at the time afraid and immediately upon turning away to depart heard the report of a pistol. Deponent further says that prior to said date she had never seen the defendant Lyons but knew Quinn both by sight and reputation, that she, this 7th day of January 1888 visited the city prison known as the "Gorubs" and there saw and recognized Daniel Lyons now under sentence of death as the same man she saw engaged in the altercation with Quinn at 38th street and 2nd Avenue on the evening of July 5th 1887. That deponent further avers that she felt she was in possession of knowledge which might help said Lyons and confided the same to her spiritual advisers who at once

0395

advised her to disclose the know-
ledge in her possession to
Eyons Attorneys and further
that deponent was not aware
at the time that the trial
of said Eyons was in prog-
ress.

Shorn to before me }
this 7th day of Jan'y 1888 } Mary Irving
Charles W. Logan }
Com of dist }
City and County }

0396

Police Court, / District.

City and County } ss.
of New York,

of No. The 21st Precinct Police Street, aged 54 years,
 occupation Precinct Captain being duly sworn, deposes and says,
 that on the 5th day of July 1887, at the City of New
 York, in the County of New York,

Daniel Lyons (now dead) did
 willfully and maliciously
 point and aim a pistol loaded
 with powder and lead which
 he then held in his hand at
 one Joseph Quinn and fired
 and discharged the said pistol
 while the same was so pointed
 and aimed at said Quinn, the
 ball or missile from said
 pistol striking him in the
 abdomen and causing a
 wound from which said
 Quinn died as deponent is
 informed and verily believes
 Deponent therefore prays that
 said Lyons may be permitted
 for examination to enable him
 to procure the necessary evidence

Done to before me
 this 29th day of July 1887

J. H. Smith

Police Justice

0397

Police Court-- District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

Thomas M. Ryan

vs.

1 Daniel Lyons
2
3
4

Offence,

Dated July 29 1887

Kiddell Magistrate.

Officer.

Clerk.

Witnesses,

No. Street,

No. Street,

No. Street,

\$ to answer Sessions.

9 for 2 PM

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated 1887 Police Justice.

I have admitted the above named to bail to answer by the undertaking hereto annexed.

Dated 1887 Police Justice.

There being no sufficient cause to believe the within named

guilty of the offence within mentioned, I order he to be discharged.

Dated 1887 Police Justice.

0398

Sec. 198—200.

District Police Court.

CITY AND COUNTY
OF NEW YORK, } ss.

Daniel Lyons being duly examined before the undersigned, according to law, on the annexed charge, and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him if he see fit to answer the charge and explain the facts alleged against him that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial,

Question. What is your name?

Answer.

Question. How old are you?

Answer.

Question. Where were you born?

Answer.

Question. Where do you live, and how long have you resided there?

Answer.

Question. What is your business or profession?

Answer.

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer.

Daniel Lyons

Taken before me this

day of

188

Police Justice

0399

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, ~~and that~~ there is sufficient cause to believe the within named Richard

Lynn
guilty thereof, I order that he be held to answer ~~the same and he be admitted to bail in the sum of~~
~~Hundred Dollars,~~ and be committed to the Warden and Keeper of
the City Prison of the City of New York, ~~until he give such bail.~~

Dated July 29 188 7 Police Justice.

I have admitted the above-named
to bail to answer by the undertaking hereto annexed.

Dated 188 Police Justice.

There being no sufficient cause to believe the within named
guilty of the offence within mentioned, I order he to be discharged.

Dated 188 Police Justice.

0400

Police Court--

1200 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1

2

3

4

Offence

Dated

188

Magistrate.

Officer.

21 Precinct.

Witnesses

No.

No.

No.

\$

to answer

BAILED,

No. 1, by

Residence

Street.

No. 2, by

Residence

Street,

No. 3, by

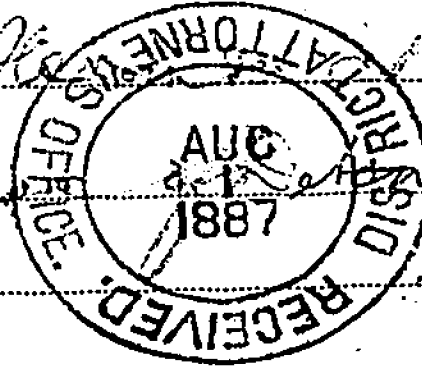
Residence

Street.

No. 4, by

Residence

Street.



0401

At about 5 1/2 o'clock in the afternoon of July 5, - at the ^{NE} corner of 38th & 2nd Ave Quinn was standing there at this corner & Lyons came up 2nd Ave from 37th. ~~Quinn~~ ^{Quinn} without one word of warning Quinn was talking with Larry Hughes. As Hughes came up the Ave Quinn stepped forward to shake hands and Lyons ~~at~~ ^{was} almost immediately upon his pistol & fired - Quinn died almost immediately - Exclaiming "I boys I am shot" "Do not let my father see me".

Lyons had been about since 20 min of 5

8

it from his inside pocket Lyons
 said "Is it loaded?" Neil said "No"
 Lyons said "I will give it back to
 you tomorrow. Give it to ~~John~~ ^{either it} ~~John~~
 to John Corr or George Allen" -
 Neil said that he did not care
 if he never got it back as he had
 no further use for it - Lyons ~~then~~
 took the pistol & walked to the front of
 the bar room & entered a little office
 there & sat down - Lyons was then heard
 snuffing the revolver - Left John
 can ~~Corr~~ left saloon together about 5
 o'clock ~~Neil~~ left shortly after seven &
 then heard in a saloon at 51st & 3rd
 Ave that Dunn had been shot by
 Lyons - To John J. Corr Lyons had
~~threatened~~ said "I am going to get
 drunk with that man for doing that
 to me" after showing black eye Dunn
 had given him - Corr said "But you
 are foolish to get into a fight with a man
 that is bigger than you" Dunn said
 "I am going to get drunk - I am going
 to get drunk"
 We now have ~~Lyons~~ ^{Lyons} with
 ample motive - armed with a
 pistol - on the afternoon of July 5th

0403

7
Mr. Corry
the barkeeper here to lend him
a pistol - Barkeeper said he had
no pistol there, but had one at home
Left then, asked Alex Neil who was
present if he had a pistol - Neil sd
he had at home - that he was going
home shortly to make a change
of clothing & that he would bring it
down to Lyons - Neil then asked Lyons
where he got his shiner, meaning
his black eye - Lyons sd ^{Oh I} got it
Neil asked "Where" & Lyons sd "from
Jim" ~~the~~ Lyons further stated
that Jim had hit him with a stick
& that he (Lyons) was going to punch
Jim & that he wanted a pistol.
Lyons sd also that the trouble arose
over Jim's girl to whom he (Lyons)
had done what he ought not to
have done - Soon after this con-
versation left & John Corry left the
saloon together - Neil then went
to his home & got his pistol & re-
~~turned to saloon~~ - the pistol was
then empty - At about 4 1/2 o'clock in
same afternoon July 3 Neil returned
to saloon & found left there on entering
Lyons spoke to Neil & said "Have you
got it" Neil said "Yes here it is" taking

Lyons said to Jerome Quinn, Justice.
 of deed at G.M. on July 5 - a big killing
 Sam Quinn, Sam going to make
 you a present - ~~the~~

6

6
"All right. I
am a dog in his eyes to night but I won't be
~~all right - I am all right. All right~~

~~I am to marry tonight - I am to~~
~~be done me tonight & I will do him to marry tonight~~
~~the day of my death~~ The party went

on to Cassidy's & there Lyons drew
from his pockets two ^{flannel} handkerchiefs
& gave them to ^{John} Cassidy to have
washed. & as he took them out I
handed them to ~~her~~ ^{her} he said again

"To morrow night I'll fix Joe Quinn
I'll have friends of mine, he can
have his friends too" At this time
Lyons was sober - at Curindys bedchamber
only sober -

~~Lyons~~ It appears that Lyons had slapped Nellie across the face some time before this, was probably the reason that he supposed Nellie had caused him to be beaten.

The deft. on the night of July 4, in
hearing of John J. Dunn, brother of
deft. said to be dead -

"If I had a gun I would fix you
and I would fix Neenan"

The next find by him in quest
 of a weapon with which to commit the
~~murder~~ deed he had threatened
 On the afternoon of July 5 at about 2
 o'clock Lyons went to saloon of Albert
 Broth N. E. cor of 3rd Ave & 52nd St & asked

the sidewalk on South side of
 38th a little East of 2 Ave - Lyons
 & Mary Cassidy had a talk apart
 from the rest & had another ^{short} ~~agreement~~
 agreement & then Frank Spence left
 the group & joined Mary & Lyons &
 entered into conversation with them.
 Quinn then left the main group
 & stepped over ^{near} to where Lyons was
 standing & beckoned with his cane
 to Lyons & sd "come here Lyons, I want
 to speak to you" Lyons went towards
 Quinn & walked with him towards
 the corner they stopped a little
 east of the corner & entered into con-
 versation - Frank Spence then stepped
 over to the very corner - ~~Mary Cassidy~~
 & Quinn was then heard to say
 "I've got the proof of it on the corner"
 Quinn turned towards Spence & sd
 "Frank Spence come here I want to
 speak to you" Spence advanced towards
 them & Quinn made some remarks to
 Spence - Then Spence sd to Lyons
 "Yes Danny, you did say so" - Quinn
 then struck Lyons in the face with his
 open hands & afterwards with his fist
 & continued striking him forcing him
 back to the corner where ~~he~~ he stopped.

In June last a picnic of
 Friendship Club was held at
 Silver's Harlem River Park -
 Mary X. Cassidy went there alone
~~she met Mr. M.~~ This man was a
 friend of debt and had been
 quite intimate with him - ~~she met~~
 At the picnic Mary met
 Lyons ^{as a girl Nellie Jammon} - one was talking with
 Mr. Meehan a letter carrier
 when Lyons called to her & asked
 her to dance ~~but she refused~~ before this
 there had been a slight quarrel bet
 Mary & M. - but that night their
 friendly relations were re-
 stored. Later Mary danced with Meehan &
 Lyons was displeased at it & accused
 Meehan of having made an appointment
~~on~~ with Mary Cassidy or as he
 expressed it he ~~accused~~ ^{accused} Meehan ~~of~~
 of making a date with Mary -
 The dead Quinn was present
 at the picnic interposed on behalf of
 Meehan & told Lyons he was no
 friend of his (Quinn) if he did not
 take back what he had said about Meehan.
 Lyons refused to take back what he had
 said & consequently a disturbance arose
 as a result of which Lyons was put out

2

of the garden - That night Mary
~~was escorted~~ ^{was escorted} home by ~~John~~ ^{John} Cully
 a young man who had been present
 at the picnic - After the night
 of the picnic Mary & Lyons met
 frequently ~~but~~ up to July 2nd but
 did not speak as Mary was offended
 at accusation Lyons had made
 against her - On Saturday July 2nd
~~Mary~~ ^{who was accompanied by Miss Smith} in the afternoon C. ~~Mary~~ met
 Lyons on corner of 3rd St & 2nd Ave
 while they ^{were} on their way to Brown Station
 House at 65 St & East River in Lyons
 asked permission to go with them - But
 Mary excused herself saying that she was
 going with or preferred to go with her
 friend Miss Smith - Lyons then asked
 Mary C. to go with him on July 4th to Staten
 Island to see the Fall of Babylon - After
 this interview of July 2nd Lyons & Mary were
 again friendly & had no further disa-
 greement -

On July 4 - the day of the murder
 at 10 o'clock in the morning Mary met
 Lyons pursuant to agreement to go
 to see Forepaugh's Circus at Staten Island
 & afterwards the Fall of Babylon -
 But Mary then expressed a preference
 to go ~~to Brown~~ swimming & it was

0408

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then arranged to go to ^{funeral} ~~Brown~~ in the afternoon

About 2 o'clock that afternoon July Mary Curridy - Marnie Smith & another girl ~~named~~ Kellie Sam-
mary went to the bathing grounds of the ~~Yacht~~ Athletic Club at 66 St & East River & there met the dead ~~John~~ ^{John} Quinn. Shortly afterwards ~~Lyons~~ the ~~deft~~ ^{deft} ~~John~~ ^{John} McKean a brother of Wm McKean the letter carrier Edward Mills - Frank McVerty & Frank Spence joined the party & all went to the bath. The party left the bath about 5 o'clock in the afternoon & then separated.

From About half past eight that night July 4 during the entire evening until ~~at~~ about or after eleven o'clock we find ~~these parties with~~ ^{the} ~~deft~~ ^{deft} ~~John~~ ^{John} Quinn - the ~~deft~~ ^{deft} ~~John~~ ^{John} Lyons & several of their friends - male & female at or about the S.E. cor of 2nd Ave & 38 St. At about eleven o'clock we find there besides the dead Quinn & Lyons - Kellie Sam-
^{Fred Becker} mary - Mary Curridy - Marnie Smith - Wm McKean - Frank Spence & Katy Cornelius - This group were standing on

0409

Lyons during this time made no
instance - ^{with Frank who had some talk} All the men except
Becker & John Cuddy & ~~Frank~~ ^{who came up from there} - went over
to the N.E. cor of 35th & 2nd Ave & re-
mained there talking - Cuddy, Becker
& the women then walked away &
went to 2 Ave & 34th St. & had a drink.
Then Cuddy left the rest went to
51st & 3rd Ave & stayed about 10
minutes - Code down in 3rd Ave
came to 39th St. - ~~Walked through to 39th St~~
~~to 2nd Ave~~ Went back to cor of 38th St
& 2nd Ave & there saw Lyons - James O'Neil
& Frank Waters sitting on the stone steps
by Stoen's Butcher Store - the three
joined the party & they started for
Cassidy's on 3rd Ave & 30th St to get a
drink - Mary Cassidy walked with
Lyons & Waters part of the way & part
of the way with Lyons alone - Then the
three men left Stoen's step & came towards
us ~~In~~ cor of 38th St I was close to Lyons
She said to Nellie Jammany who stood
else ^{near} to me - "Well Nellie your words
did come true. You got one ^{done} ~~hooked~~"
~~I did not understand him - Nellie~~
~~said "Sammy I hope you don't for a moment think~~
~~got you done up" & "I'm not" & "I'm not"~~
~~was going to be killed" - Lyons then said~~

0410

TORN PAGE

Phillips & Mower, 82 Nassau Street,

STENOGRAPHER'S MINUTES.

In the Matter
of the Inquisition
upon the body of
Joseph Quinn

BEFORE

Hon. Ferdinand Levy
Coroner and a jury

August 3rd 1884

WITNESSES.

Direct. Cross. Re-Direct. Re-Cross.

Dr. Wm Jenkins Deputy Coroner

1

Officer Bernard Mulvaney

2-3

4-6

" " James Hurican

7-8

8-9

Thomas Wellington

10-

10-13

Lawrence Hines

14-15

15-19

Frederick Pfeiffer

20

21

John Butdy

22-3

23-5

John Lacey

26

John Corr

27-9

30-1

Wm Corr

32-4

34

Frederick Beckes

35-

35

Emile Bolger

37-

37-9

Neal

40-2

42-5

Coroner's Charge 46-8

Francis Greenan
Stenographer
32 Chambers

0411

-----X
In t h e m a t t e r
Of the Inquisition upon the body of
JOSEPH F. QUINN
-----X

New York, August 3rd, 1887.

Before Hon. *Ferdinand* Levy, Coroner, and a Jury.

Appearances:-

For the People, John D. Lindsay Esq.

For the Defendant, Mess. Sullivan & Blake.

Dr. William Jenkins, Deputy Coroner, testified as follows:

(Autopsy read to the Jury)

By the Coroner:

Q. How many wounds did you discover doctor ?

A. Only one

By Counsel for defendant:

Q. What is the character of this man physically?

A. He was physically a finally developed man - muscularly
developed.

Q. What was his size?

0412

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A About five feet nine inches, I think, I do not think I made any measurement - that is about his height.

Q Did you judge as to what was his weight?

A No sir, I do not think I could.

Q Can you give us an approximate of it?

A I should say about 165 pounds.

Q A man of fine form ?

A Yes sir.

Q Can you say doctor, from an examination of his body, was he a man who had been trained down fine?

A I could not say as to that.

Q His muscles were hard and well developed?

A I noticed that, yes.

OFFICER BERNARD MULLARKEY, being first duly sworn by the Coroner, testified as follows:

By the Coroner :-

Q What is your name?

A Bernard Mullarkey.

Q What Precinct?

A 21st Precinct.

Q Are you detailed as a special officer?

A Yes sir.

Q Detective?

A Yes sir.

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Q. You tell the jury in what manner you were connected with this case of

A On the evening of the 5th of July I was notified that there was a shooting took place, corner of 38th Street and Second Avenue, I went down there and learned that this Joseph Quinn was shot. From information I received I made proper efforts to find Daniel Lyons the murderer. I received a good deal of information which did not turn out true, and I finally received information that he was in the City of Pittsburg, Penn. I went on there in company with Officer Duncan, and got him in the jail in Pittsburg. He admitted the shooting, and said: "that if he had not done it, he would have been killed himself".

We asked him why he had shot Quinn, and he said that if he had not shot him he would have been killed himself.

By the Coroner:--

Q Who was present when he made that statement?

A Officer Duncan.-- We had to wait there afterwards for a requisition to bring him on to New York, and we brought him on.

By the Coroner:-- You obtained a requisition? A Yes sir.

Q And brought him on to New York? A. Yes sir.

Q This is Lyons, the prisoner, Stand up! ?

04 14

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A Yes sir. I brought him on to New York, and turned him over to Captain Ryan.

Cross-examination.

By defendant's counsel:-

Q Officer you stated you received some information that led you to believe that Lyons was in Pittsburg?

A Yes sir.

Q What day of the month was it you received this information, on the 5th or 6th of July?

A I think it was on the 32nd.

Q It was some considerable time after the shooting?

A Yes.

Q Where were you when you received this information, at the Station House?

A No sir; I was coming through 34th Street.

Q From whom did you receive this information, that the prisoner was in Pittsburg?

A It was from a private party, not from any official in Pittsburg or in New York.

Q Did not the information come to you from a letter which it is claimed, Lyons wrote in Pittsburg?

A Yes.

Q Was that letter handed to you?

A No sir.

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Q. You were told by this party?

A. Yes sir?

Q. Then this party that told you had seen the letter?

A. Yes sir.

Q. That is how you learned that he was in Pittsburg?

A. Yes sir.

Q. That is the first information you had ?

A. Yes sir.

Q. Officer, you have stated on your direct-examination that Daniel Lyons admitted to you in the presence of Officer Duncan, that he had shot Joseph Quinn?

A. Yes sir.

Q. Where was this admission made?

A. In Pittsburg, in the jail.

Q. You had a consultation with him there?

A. Yes sir, a few words.

Q. Give us the substance of that conversation?

Q. We asked him why he ran away after the shooting.

Q. Who asked him? A. Duncan did., and he said that if he had not run he would be killed, and that Quinn had a Chinese fan, with a knife or dagger; that he was approaching him with in his hand. He said that Quinn held this Chinese dagger in his hand, when he was shot.

Q. Did Lyons at the time you had this conversation with him

04 16

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in Pittsburg, did he show you a cut that he had on his chin?

A I think that it was in the cars that he showed it.

Q Did you observe it at the time?

A No sir.

Q Do you mean to say, that he told you that he had received this cut from Quinn, and you did not look at it?

A I looked at it in the cars; it did not look to be fresh. He had a heavy beard, and I could not see very well, - I did not examine it very carefully.

0417

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OFFICER DUNCAN, being first duly sworn by the Coroner,
testified as follows:

By the Coroner:-

Q. What is your name?

A. James Duncan.

Q. Occupation? A. Patrolman, 21st Precinct.

Q. Tell the jury all that you know of this case, and all that you had to do with it?

A. On the 7th of July, I was on post on 31st Street and Second Avenue, Detective Mullarkey came and asked me, if I knew this man Daniel Lyons, I said I did. He said he would go up to the House, and have the Sergeant put you in citizens clothes immediately. I was with him from that time until I went to Pittsburg. From directions received I went to Police Headquarters in Pittsburg, and showed him a photograph - a tin-type, we had of this man Lyons. We showed the Chief of Police and Chief of Detectives. They looked it over and said, I think we have a man that will answer that description. I saw him in prison at Pittsburg. I identified him there. I says: "halloa Dan". He made me no answer I went over and spoke to him, he made says, "well, what do you want me to do now". I says, "will you go back to New York with us, he said yes, and started away to dress himself

0418

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he turned and came back, and called me one side. He told me that what he done he done in self-defense; that if he had not killed Quinn, that he would have killed him.

By the Coroner:- You took charge of him and brought him to New York? A Yes sir.

Q And turned him over to the Captain of the 21st Precinct?

A Yes sir.

By a juror:

Q Did you also see that cut that was spoken of?

A I did not take any notice to it.

Cross-examination.

By defendant's counsel:

Q You did not receive any information personally yourself in regard to the whereabouts of the prisoner?

A Not any more than I have stated.

Mr. Duncan, did you know the deceased?

A Not personally, I know him to see him coming up and down the sidewalk

Q Do you know the reputation of the deceased? A No.

Q Do you know that he was an athlete?

Q Have you not known him to give exhibitions in various places in this city? A No.

Q Did you ever know him to be in fights and quarrels in this city? A No.

04 19

9

Q Do you know that he was a terror in the neighborhood?

A I do not.

Q How long have you been on the force? A Five years about.

Q Did the deceased live in your precinct? A Yes.- I know that he had a ~~good~~ very good reputation for a steady hard-working young fellow.

Q Didn't he have the reputation for being a good man?

A I have never known him to fight.

Q The prisoner came with you cheerfully?

A Yes sir.

Q And frankly stated that he acted in self-defense?

A Yes sir.

Q How long have you known the prisoner?

A Something over a year.

Q Have you been in that prec net, during your entire time of service on the force? A. No sir; I knew him prior to coming there.

Q Did you ever speak to the prisoner before?

A Yes sir; I was an acquaintance of his.

0420

10

THOMAS WELLINGTON, being duly sworn by the Coroner, testified as follows:

Q By the Coroner:- What is your name?

A Thomas Wellington.

Q Where do you reside?

A 313 East 39th Street.

Q What is your occupation?

A Peddler.

Q Tell the jury what you know of this occurrence, the shooting of Quinn.

A I was standing on the corner of 38th Street and Second Avenue, about five o'clock on the 5th of July, I heard a shot and seen Lyons run, I followed him down to 37th St. and First Avenue, where he disappeared.

Q By the Coroner: Who done the shooting?

A I don't know; Lyons was the man that run, I followed him.

cross-examination.

By defendant's counsel:

Q You state that you were standing Wellington on the north-east corner of 38th Street and Second Avenue, where did the shooting occur?

A On the north-east corner of 38th Street and Second Avenue.

Q How far away were you standing?

0421

II

A About fifteen feet.

Q Was this in the morning or evening?

A In the evening.

Q What had you been doing on that day?

A I was peddling strawberries.

Q You say that you heard a shot?

A Yes sir.

Q And you looked around? A Yes sir.

Q And when you looked around what did you see?

A I saw Lyons running.

Q Did you see the pistol? A. No sir.

Q Then your back was turned towards Lyons when the shot was fired?

A Yes sir.

Q Are you sure Lyons did not take a car instead of running?

A He ran down 37th Street to First Avenue:

Q How long have you known Lyons?

A I knew Lyons about two weeks

Q Had you ever spoken to him?

A Once.

Q Did you know Quinn? A. Yes sir.

Q How long id you know Quinn

0422

12

A I cannot exactly tell.

Q Did you ever talk with him?

A I bid him the time of day.

Q Did not you know that he was an athlete?

A I knew he was strong and muscular, but didn't know he was an athlete.

Q So then you did not wait to see what become of Quinn?

A No sir.

Q How many people were there around there that you saw?

A I saw two.

Q Who were those two?

A Quinn and Lyons.

Q Who were the others besides those two?

Q I was one, and Reilly - that is all I saw.

Q What did Reilly do, anything?

A No sir.

Q What was Reilly doing, was he talking to you?

A Yes sir.

Q And Reilly's back was also turned towards Quinn and Lyons, and he could not have seen what had occurred?

A No sir.

Q There was nobody else besides you and Reilly?

A That is all I saw.

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Q If there had been anybody else there at the time, you would have seen them?

A Yes sir.

Q You were sober at the time ? A Yes sir..

By a juror:

Q Did you see Lyons and Quinn talking together?

A No sir.

Cross-examination resumed.

Q When you heard the shot, and looked around was Lyons in the act of running?

A Yes sir.

Q You did not see whether they had any conversation together

A No sir.

Q The first thing you knew, you heard a shot, and Lyons was running away.

A Yes sir.

0424

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LAWRENCE HINES, being first duly sworn by the Coroner
testified as follows:

By the Coroner:

Q What is your name?

A Lawrence Hines.

Q What is your occupation?

A I am not doing anything at present.

Q Where do you live?

A 313 East 38th Street.

By Mr. Lindsay.

Q Are you acquainted with Joseph Quinn?

A Yes sir.

Q How long have you known him?

A About a year.

Q Do you remember seeing him on the afternoon of the fifth
of July, about half-past five, on the north-east corner

A of 38th Street and Second Avenue?

A Yes sir, he came up Second Avenue, a little after five
o'clock, and we were conversing there for a while. I says,
going to have a drink? We went and had a drink on the
opposite corner, came out and was talking there for some
time, standing there, Mr. Lyons came up the Avenue. And he
was explaining about the fight they had the night before

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(Quinn was explaining), we were talking there for a while his arms were folded. I says, "here comes Lyons up now". I seen him coming half a block away. I says: "Jo, here is Lyons now". Quinn stepped down off the curb-- there is about six inches enlargement of the curb -- went over and were conversing a minute or a minute and a half, with Mr. Lyons. Then there was a shot fired. I picked Quinn up and Lyons ran down the Avenue. I did not see any shot fired. I was standing about ten feet from the curb. I only heard the report.

By Mr. Lindsay:-

Q So Quinn fell down, and Lyons ran away? A. Yes., and we brought him to a drug store. He said: "Boys; I am shot". and we fetched him down to the drug store.

By the Coroner:

Q Were you there when he died?

A No sir.

Cross-examination:

By defendant's counsel.

Q As I understand it, you were engaged in conversing with Quinn, you have related he spoke of a fight he had the night before, did he relate the circumstances of that fight? A. No sir.

Q Did he tell you that he had assaulted the defendant?

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A Yes sir.

Q Did he tell you that he struck him with his cane over the eye?

A Yes sir; that is what he said.

Q And then you noticed that Lyons was coming up the Avenue?

A Yes.

Q You told him, here comes Lyons now? A. Yes.

Q Did Lyons take any belligerent position, or appear as if he came towards you, that he desired an attack or trouble?

(Objected to)

Q Now where were you standing with Quinn, the deceased, at the time Lyons came along.

A We were standing on the up corner - I was nearer the building, and Lyons came along. Quinn walked over towards him.

Q Were they standing close together?

A I should say about two feet apart.

Q Do you know where Lyons lived? A. No sir.

Q Do you know whether it was in the direction of his home he was coming?

A It may have been.

Q Was Lyons intending to pass or not?

A Lyons was coming up Second Avenue, same as this (indicating) the Avenue here, and this 38th Street, I was standing here

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and Quinn in front of me. Lyons was coming up, I told him. I says, "Joe; here comes Lyons". When he got up, he walked over, and Lyons got on the curb, a foot or two, and what conversation they had I do not know. I looked at them a second, and turned my head away, and the shot was fired, and he, Quinn, fell down.

Q How far were you away when the shot was fired? A

About ten feet.

Q You stood in the same position after Quinn left you?

A Yes sir.

Q When Quinn and Lyons were together, were they facing you or in such a position, that the back of one of them was towards you?

A Yes.

Q You could not see what took place between them?

A No sir.- I was not watching them very intently.

By the Coroner:

Q How many people were present?

A There might have been a dozen there at that time.

cross-examination resumed.

Q Do you know the deceased ?

A Yes.

Q About how large a man was he?

A The average size; about 150 or 160 pounds.

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Q Was he not a large man for his size and weight?

A I have seen smaller men weigh more than he did.

Q Was he not regarded as an athlete?

A So I understand.

Q Didn't he have the reputation of being a good man?

A I never saw him fight.

Q Have you known him to give exhibitions?

A No sir.

By Mr. Lindsay:-

Q You did not see Quinn attack Lyons, or make any threatening gesture to him?

A No sir.

Q If there had been any such threatening gesture, you would have seen it? A Yes.

By the Coroner:

Q Were you friendly towards Quinn and Lyons?

A Both were the same to me.

Q How soon after those two parties met, did you hear the shot fired?

A It must have been a minute or a minute and a half, as near as I can judge.

Q After the shot was fired you saw Lyons run?

A Quinn came up past me, Lyons ran, he was half way down the

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FREDERICK PFEIFFER, being first duly sworn by the Coroner testified as follows:

By the Coroner:-

Q. What is your name?

A. Frederick Pfeiffer

Q. Where do you reside?

A. 715 Second Avenue.

Q. What is your business?

A. Saloon.

Q. What do you know of this occurrence ?

A. I stood in front of my door on the 5th of July, between five and six in the evening, I was talking to a friend of mine. He was just going home. I happened to look right over to the corner of 38th Street and Second Avenue. I saw a man lift up his arm, this way, (indicating) and fire a shot at another man. The other man fell down, and was lying on the sidewalk he pulled up his legs as if in pain, and the one who fired the shot ran around the corner of 37th Street.

By the Coroner:

Q. Did you know either party?

A-

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block.

Q Did you see the pistol?

A No sir.

Q And Lyons ran in an opposite direction from that which
Quinn was going?

A Parting, that way (indicating).

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Pfeiffer

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A No sir.- I was too far away to see.

Cross-examination.

By defendant's counsel:

Q Now Mr. Pfeiffer, what is your business?

A Keep a saloon.

Q How far was your saloon from the place of this shooting?

A About half a block.

Q It was between five and six in the evening? A Yes.

Q Was it very light? A Yes.

Q Who was this friend of yours?

A A gentleman named Clay.

Q Do you remember what you were talking about to him?

A I think we were talking about the weather.

Q Is it not a fact Mr. Pfeiffer that as soon as you heard the shot fired, that you naturally looked up?

A I was looking over before the shot was fired.

Q You did not see anything that transpired between Quinn and Lyons prior to this shooting?

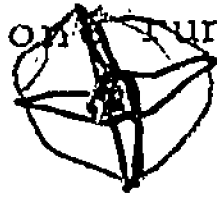
A No sir.

Q You say you saw one man fall and another one run away?

A Yes sir.

Q Do you recognize the defendant here as one of the parties?

A No.



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"Good evening, Jack, and I said, good evening, and stepped a little away, thinking the conversation was private, and faced across the Avenue. My arms were folded. I happened to look down Second Avenue, I saw Lyons coming up. Quinn stepped out as Lyons got on the curb - as Lyons had one foot on the curb, and him and Lyons were talking. I was looking at them for about ten seconds, and turned my head away. A minute and a half after I heard the report of a pistol. Joe Quinn came staggering ~~post~~ towards me, as if he had been shot out of a cannon. He fell right in front of me. Lyons had his two hands that way (indicating) and looked me straight in the eye. After that we lifted Quinn up and carried him around the corner.

By the Coroner:

Q Did Lyons have a pistol at that time?

A I didn't see it; I gave my attention to Quinn.

Cross-examination.

By defendant's counsel:

Q You live in the same house with deceased?

A Yes sir.

Q On the same floor? A Yes.

Q Are you a friend of Quinn's?

A Yes sir.

Q Did the deceased tell you his having assaulted the defend-

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JOHN CUDDY, being first duly sworn by the Coroner, testified as follows:

By the Coroner:

Q What is your name ?

A John Cuddy.

Q Where do you reside?

A 712 Second Avenue.

Q What is your occupation?

A Cutter

Q Where?

A The last place I worked was 273 Canal St.

Q What kind of business was that?

A Cloth cutting.

Q Are you working now?

A No sir.

Q How long since you worked ?

A Nearly two months.

Q Are you acquainted with Lyons??

A Yes sir.

Q Did you see this occurrence?

A I did not see Lyons fire the shot, I heard the report of the pistol.-- At about twenty minutes after five o'clock on July 5th, I came down Second Avenue towards 38th Street. I there saw Quinn and Hines standing talking. Joe, says:

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ant the night before?

A I seen Quinn smack him a couple of times with his hands.

Q And you don't know anything about the shooting except that you heard the report of the pistol, that is all.

Q In regard to the nature of the assault the night before, was it not with a cane that he assaulted him?

A I only saw him hit him with a cane - it was a light stick.

Q How did he use it ?

A He hit him around the head some place.

By the Coroner:

Q Was he badly hurt?

A I have often been hit worse myself.

Recross. ex.

Q Did not Quinn say then and there, that at the time he assaulted this defendant, the night before, that he would do him up?

A I didn't hear him.

Q Did not you hear him say, that he would get a silver medal yet for killing him?

A No sir; I did not.

Q Was not Quinn going to assault you for interfering with with Lyons that night?

A He simply told me to go away.

Q Did not you go away for fear that you would be assaulted?

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A I did step back.

Q Did not you tell Lyons here, this defendant, that you were afraid?

A No.

Q Did you ever hear the deceased say, that he would do this defendant up ?

A No sir.

Q Did you ever hear the deceased make threats against the defendant ?

A No sir.

Q Did not you hear him say that he would get a medal yet for killing him?

A No sir.

Q Did you see the fight the night before?

A I seen him strike him twice the night before.

Q You don't know what transpired between the deceased and defendant prior to the shooting?

A No sir.

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JOHN LALLY, being first duly sworn by the Coroner testified
as follows:

By the Coroner:

Q What is your name ?

A John Lally.

Q Where do you reside?

A 326 East 39th Street.

Q What is your occupation?

A Horse dealer.

Q Tell the jury what you know of this affair of the 5th of
July?

A On the 5th of July I was about half-past eleven and twelve
I was coming home with a pair of shoes in my hands, I met
a young man named Frederick Becker, he told me that he
lost fifteen dollars, on the fourth of July, with Lyons or
some friends he did not know who took the money.

By the Coroner:

Q You were not present, were you?

A I don't know anything about it.

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JOHN CORR, being duly sworn by the Coroner, testified as follows:

Q. Where do you reside?

A. 337 East 30th Street.

Q. What is your occupation?

A. Barkeeper?

Q. For whom ?

A. Francis Tiernan, corner 26th Street and Third Avenue.

Q. Are you still working there?

A. Yes sir.

Q. What do you know in relation to this case?

A. On the 5th of July, about twelve o'clock, I was with a friend of mine all morning. I left him asleep and about twelve o'clock I walked up First Avenue to the corner of 39th Street, and went up for Mr. Lyons twice, he came down stairs in his shirt sleeves. I asked him for the loan of some money. He owed me some. He said he didn't have any, but would go up and try and get it of his mother. I went up stairs with him, for about three minutes, and he put on his coat and vest, and came out. He got a silver piece of his mother. He came out and went down to the corner and had a couple of drinks there. He said he was going up to my brother's, he wanted to see him. I asked him what what was the matter with his eye. He said Quinn was after

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doing him up the night before. We went up to the store in 52nd Street. He asked my brother for a pistol (Mr. Lyons) When he asked for the pistol, I shook my head, not to give it to him. He asked him the second time, but he would not give it to him. Mr. Neil was in the back room, and we were talking there and commenced to kid, and that Quinn could not do him up. Mr. Neil went out and came back again in two hours ---- We went into the store and had a drink- drinking at the bar. He asked my brother for the loan of a pistol, knowing that he had one. My brother refused to give it to him, thinking that some trouble might come of it. So then we drank at the bar a couple of times. Mr. Neil came out from the back room, he came out and got talking to Lyons, about the cut over his eye. Lyons, asked him, so far as I understand it, for the loan of a revolver. A short while after, Mr. Neal went out. About two hours after, I should judge, he came back again, - We were still at the counter. Mr. Neal and Mr. Lyons went in the back part of the store, in the back room again. While they were in there I heard something like four clicks of a revolver. I did not see it. I could not tell what it was. I heard what sounded like the four clicks of a revolver. After we came out I started down the Avenue. We all three walked down the avenue together, Cuddy, Lyons and myself, and on the

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corner of 41st Street, Mr. Cuddy left us. I walked down as far as 36th Street and Third Avenue, and left Mr. Lyons on the corner, and walked down towards where I left my friend in the morning asleep. I met my friend, went in there and was there about an hour and a half, I should judge, I sat there talking, and asked him to come out for a walk down the avenue. So we came out on the street and saw a crowd coming down 36th Street. We walked down to first Avenue, and on the corner of First Avenue, I asked some of the people what was the matter, they said somebody was shot on the avenue. We walked up First Avenue to 38th Street and from there to Second Avenue. When we got to Second Avenue I inquired again. They told me it was a man named Quinn. We walked down as far as the drug store door and I inquired if he was much hurt. I stopped there about an hour. Then I walked down the avenue. That is all I know about the thing.

By the Coroner:

Q How long had you known Quinn?

A Six or seven months.

Q And Lyons ?

A Over two years

Q With which were you on terms of friendship?

A I was friendly to both.

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cross-examination.

Q Didn't he say there that Quinn had threatened that he was going to do him every time he came around the corner?

A So he told me.

Q When he asked you for this pistol did not he state that he wanted it for the purpose of protecting himself from Quinn?

A Something to that effect.

Q Did not Lyons state to you that he wanted the pistol for the purpose of protecting himself against Quinn?

A He said something to that effect -- I had been drinking.

Q You has been drinking? A Yes sir.

Q In substance that is about the size of what he said?

A Yes sir.

Q You don't remember the exact words that were used at the time?

A No sir.

Q Is there not a broken bell in that room?

A Yes.

Q Were you ever in that little room? A Yes sir.

Q Did you ever try to sound that bell?

A It could not tell.

Q Furthermore, if there was a clicking there, you do not know whether Lyons had the pistol in his hands or not?

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A I don't know.

By Mr. Lindsay:

Q You have not any distinct recollections of what they did say about the pistol?

A Nothing more than I have stated.

re-cross ex.

Q How large a cut was this on Dan Lyons' eye?

A About an inch long.

Q Did you notice the marks on his hands also?

A I think there was a mark on his first finger.

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WILLIAM CORR, being first duly sworn by the Coroner, testified
as follows:

By the Coroner:

Q What is your name?

A William Corr.

Q Where do you reside?

A 337 East 30th Street.

Q What is your occupation?

A Barkeeper.

Q Where?

A No place at present

Q Did you witness this occurrence on the 5th of July?

AA No sir; I was working that day.

Q You heard the testimony of your brother?

A Part of it.

Q What about this pistol?

A All I know, is that my brother and Mr. Lyons came in and had two or three drinks together. Mr. Lyons had a cut over his right or left eye, I don't know which. I asked him how he received it. He said that Joe Quinn done him up the night before. He asked me for the loan of a revolver. I refused to give it to him, - that is all I know about it.

By the Coroner:

Q You say you refused to lend him your pistol?

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A Yes sir.

Q Where did he ask you for that pistol?

A 52nd Street and Third Avenue.

Q What time of the day did he come there.

A Some where around between one and two o'clock on July 5th

Q What was the conversation you had with him?

A I ~~asked him~~ where he had received the black eye? He said Joseph Quinn done him up the night before.

Q Did he tell you what he wanted to do with the pistol.

A ~~Simply~~ wanted the loan of a pistol?

A Yes sir.

Q You did not lend him the pistol?

A No sir.

Q Did anybody in the store give him a pistol?

A I don't know; he was there in the store an hour and a half.

Q Was not you busy at this time?

A Yes sir.

Q Where was Lyons all this time?

A Standing outside the bar.

Q Did he ask anybody else for a pistol?

A Not to my knowledge.

Q Did you see him take a pistol out of that store?

A No sir.

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Q Where did you have your pistol?

A I had it at home?

Q Did you~~s~~ so inform him?

A I refused to let him have it.

Cross-examination.

By defendant's Counsel:

Q Mr. Corr, you heard your brother testify?

A Yes sir; part of it.

Q Were you present all the time during the conversation^a
between the parties?

A I was in the store waiting on customers.

Q Did you hear your brother testify that Lyons stated that
Quinn threatened to do him up?

A No sir.

Q Did you hear him say that he wanted the pistol to protect
himself against Quinn.

A No sir.

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FREDERICK BECKER, being first duly sworn by the Coroner testified as follows:

By the Coroner:

Q Where do you live?

A 83 First Avenue.

Q What is your occupation?

A Barkeeper

Q Where?

A 714 Second Avenue.

Q What do you know of this case?

A I was tending bar on the 4th of July, the young men were throwing fire crackers in the saloon. I closed up and joined with them throwing fire crackers. I saw Mr. Quinn and Lyons fight on the north-east corner of 38th Street. Didn't know what it was about - this was on the 4th of July.

Q You know nothing of the shooting ?

A No Sir.

Cross-examination.

By defendant's counsel.

Q What did you see Quinn do to Lyons?

A I seen him hit him.

Q Did you see Lyons do anything to Quinn ?

A I did not see anything at all.

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By Mr. Lindsay:

Q Did you see Quinn do anything to Lyons ?

A I seen them fight there.

ANNIE BOLGER, being first duly sworn testified as follows:

By the Coroner:

Q What is your name?

A Annie Bolger

By Counsel for defendant:

Q Do you know what occurred at the time of the shooting?

A No sir, I did not see what they were doing at the time of the shooting.

Q Did you see Lyons on the day of the murder?

A Yes on the corner of 38th Street and Second Avenue, twenty minutes to five.

Q How long after that did you see him?

Q I did not see him until after Quinn was shot.

Cross-examination.

By defendant's counsel:

Q You say that you only saw him at twenty minutes to five, you did not see him after that?

A No sir.- I went to the bakers after that, in the middle of the block.

Q What time did you go to the bakers?

A About twenty minutes to five - It was a quarter to five when I got there.

Q What time did you leave the baker's to go home?

A-

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A I could not say exactly.

Q You went home didn't you?

A It was when I was coming home from the baker's that I saw Mr. Quinn throw up his hands.

Q You did not see Lyons at that time?

A No sir.

Q Did you hear the shot?

A Yes sir.

By Mr. Lindsay:

Q The substance of your testimony is that you saw him at twenty minutes to five at the corner of 38th Street, while you were on the way to the bakery, and after the shooting you saw Quinn throw up his hands?

A Yes sir.

Cross-examination resumed.

By defendant's counsel:

Q You know Lyons?

A I know him by sight.

Q Nothing unusual for him to be around there at twenty minutes to five?

A I saw him around there a good deal.

Q You didn't know that he lived around the corner?

A No sir.

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By the Coroner:

Q How long have you known Lyons?

A I have known him only by sight.

Q How long ?

A About two months or so.

Q Have you known Quinn?

A Only by sight.

Q Did you see Lyons after the shooting?

A No sir.

Q You saw him about twenty minutes to five, July, 5th in the afternoon?

A Yes sir.

Q Have you conversed with anybody about this case?

A No sir.

Q And you have told us all you know about this case?

A Yes sir.- I live at 312 East 38th Street.

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ALEXANDER NEAL, being duly sworn deposes and says:

By the Coroner:

Q What is your name?

A Alexander Neal.

Q Where do you live?

A 127 East 76th Street.

Q Occupation?

A Milk business.

Q What do you know in relation to this case?

A On the day of the murder I was up in a saloon in 52nd Street and Third Avenue. The proprietor's name is Booth. I was standing in there. Mr. Lyons came in with Mr. Corr- John. and his brother was bartender. Lyons asked him if he had a revolver. He said no, he had none there, but had one down home. He says: "I want it". He said it was not in order, that it was ---in his bureau drawer in his brother's John's room. He turned to me and asked me if I had a revolver. I told him I did. I told him I was going up home, and in the mean time to change my clothes, and I would fetch it down. I came down in the mean time he was there. I walked in. It was in this pocket(indicating) in the same suit of clothes. I pulled it out and gave it to him. He says: "I will give it to you tomorrow night, either to Corr or e Allen". He took it and said nothing at all. Went to the front room where there was

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a little office, and commenced to revolve it, as any one could hear distinctly. I stayed there until this Corr, the bartender got off from duty - it was ten minutes ^{after} ~~at~~ seven. He asked me if I was going down town, I said no. I went to 51st Street and Third Avenue. This bartender that was tending there, said that he had some news to report to me. I asked him what it was, he said ----

By the Coroner;

Q Who was present when you handed that pistol?

A There was the two Corr's, and a young man by the name of Clowd.- I had it right in her(indicating) I t was not loaded. I had that pistol in my possession for about two years and a half. I never carried it with me. and never used it, except on the 4th of July

Q You are still in the milk business?

A Yes sir.

Q You are sure the pistol was not loaded?

A I am positive it was not.-- It was a British bulldog.

Q What time did you hand it to Lyons?

A About a quarter to four.

Q What did he do with it?

A He went inside and pulled it in the room -- I could not tell where he put it-- he took it I am positive of it.

Q Did you see him leave the building?

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Q

A Yes; it was about half-past four, with John Corr.

Q

What direction did he go?

A

I could not say.-- It was about half-past four: I was inside.

Q

Is this the young man you spoke to, Lyons stand up?

A

That is Daniel Lyons. (Indicating him)

Cross-examination.

By defendant's counsel:

Q

Mr. Neal did you state that you were in company of Corr and Lyons, when this request was made for this revolver?

A

Yes sir.

Q

You say that he asked Mr. Corr first for the loan of a revolver?

A

Yes sir.

Q

Did he make any remark about the quarrel that he had with Quinn previous?

A

No sir; not at that time.

Q

Did you hear Mr Corr testify that he seen a cut over his eye?

A

I did not take any notice of what he said.

Q

Would you have noticed it, if he had a cut on his eyehead?

A

Yes sir; I am not blind.

Q

You state that he turned to you and asked you for the loan

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of a pistol?

A Yes sir.- I told him that I had to go up to change my clothes and mean time I would come down and fetch it with me.

Q You had not the slightest idea of what he wanted it for?

A No sir.

Q Anybody else ask you for a pistol?

A No sir.

Q You brought it down and gave it to him?

A Yes sir.

Q You made no remark at that time?

A I told him I had no earthly use for it whatsoever.

Q Then you wanted to get rid of the pistol?

A Yes sir.

Q Why did not you give it away before?

A I never thought about it.

Q Mr. Neal, at the time you handed that pistol, was it loaded?

A It was empty.

Q You state that he went into a back room?

A He went into the forward room.

Q You say you remained out in the saloon? A I did.

Q How far were you removed from the front room when you heard this clicking?

A I should judge about from here to there(indicating)

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Q. The little room how large is it?

A. It is about half as large as this place here.

Q. You did not hear either of them (Corr's) testify?

A. No sir; I did not.

Q. You did not hear Mr. Corr or brother state that you went into that room with Daniel Lyons?

A. No sir; I did not.

Q. Then y u did not take the trouble to ask him for what he wanted this pistol?

A. No sir.

Q. How long were you in the House of Detention ?

A. About two weeks.

Q. You are out on bail ?

A. Yes sir.

Q. When did you get out of the House of Detention?

A. Yesterday.

Q. About what time?

A. In the afternoon.

Q. Where did you go after you were discharged?

A. I went to Barclay Street.

Q. Where did you first go?

A. I went there, and returned to the Stewart Building to take a drink.

Q. Where did you then go after that?

A. I went down to Barclay Street.

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Q. For what purpose?

A. To attend to business.

Q. Have you conversed with any person about this case since you were discharged from the House of Detention?

A. No sir.

Q. Anybody while in there?

A. No sir.

Q. You employed counsel?

A. Yes.

Q. You did not converse with your counsel about the case?

A. Most assuredly.

Q. Have you conversed with anybody with regard to this case either to-day or yesterday, after you were released from the House of Detention?

A. No sir.- for the simple reason I did not know I was wanted. I came here and was subpoenaed in the court room here.

Q. You did not know that you were to be a witness here at this inquest? A No sir.

Q. Didn't you know that you were put in the house of Detention you were put there to answer your appearance here?

A. Most assuredly, when I was subpoenaed.

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Hon. Levy, Coroner, charged the jury as follows:
Gentlemen of the Jury, your duty in this case is a simple one, at the same time a very important one. You of course, understand that the accused, Daniel Lyons, is charged with the crime of homicide. The deceased Joseph Francis Quinn was shot on the 5th of July last, at the time and place described by witnesses, and the autopsy which was made by Dr. Jenkins, gave you a full description as to the result of that shot; that he died from the injuries received at the place indicated, and from the pistol shot wound there can be no doubt. There is no dispute as to that fact. If I understand the theory of the defense correctly, it is that of self-defense, in behalf of their client.

If you believe that Daniel Lyons fired that shot at the time and place indicated, on the 5th of July last, it is your duty so to say in your verdict. The question, if there be any such, of self-defense, as a matter, that at least in this case, is to be passed upon by a different tribunal. Not that I am here ready or prepared to tell you that in case the defense would show a clear case of self-defense of justifiable homicide, that I would not instruct you to consider ^{that} very carefully, but inasmuch as this case

is one in which the defense do not desire to enter into that question, there is nothing left for you to do but to pass upon the simple question of the shooting, as has been described, by the accused Daniel Lyons.

If you, therefore are of the opinion, and you believe the testimony justifies you in so finding that the deceased Joseph F. Quinn came to his death from that pistol shot wound, the testimony warrants you in finding that that shot was fired by the accused Daniel Lyons, your verdict will be in accordance with those facts.

Inasmuch as the defense have not, I believe, called any witnesses, or hardly any, to show that which they intend to show, at some subsequent time, I will not go into the details of the case. Your duty is very plain and important one.

The shooting took place on the 5th of July, and this inquest is being held as you all know, to-day, on the 3rd of August. You will understand the reason this inquest is held at such a late day, is that the defendant, in the first place had escaped from the jurisdiction of this Court and the courts of the State of New York, and had gone into another state. Since that time, I think he has been here a week or ten days, he was not brought, as I had expected, directly here, through some misunderstanding I believe, he

0458

48

4

was taken to some other place. The Grand Jury has not passed upon this question, and the District Attorney has agreed with me yesterday, that the Grand Jury was not to take action in the matter of the Quinn homicide, until your verdict had been rendered. And, therefore, I thought it proper to act as speedily as possible, and you are here to-day to act upon this case. As soon as you have disposed of it, the other criminal authorities will take charge of it.

By the defendant 's counsel:

The Coroner will charge, that the deceased came to his death in the manner indicated by the testimony; that if they believe the testimony is insufficient criminally inculcating a liability on the part of the defendant, they have a right to say so.

By the Coroner:

The jury will have a right to consider that question, of course, in doing so they must of course look into it very carefully. I think the jury understand the case very thoroughly.

-- The Jury will retire. --

0459

The People
vs.
Daniel Lyons

called	John Cuddy	712 - 2 nd ave	P
called	Laurence ^{Hines} Hines	313 - E. 38 th St	P
called	John Corr	337 - E. 30 th St.	L. with sister
called	William Corr	337 - E. 30 th St	"
called	Mr. Phaff	715 - 2 nd ave	P
called	Annie Bolger	311 74 2 nd ave	not found
called	Thomas Willington	313 E. 39 th St.	P
called	James Kelly	^{now in City Prison to P. L. Birmingham} 313 E. 39 th St.	Doonick
called	John McGuire	313 E. 39 th St.	P
called	William Weehan	237 E. 35 th St.	Left with Mother
called	John J. Quinn	^{122 1st ave} 304 E. 38 th St.	P
don't call	The Rev. Rector	^{saw only the first} 714 2 nd ave	P
daily go on court to call	John Lally	326 E. 39 th St.	P
no af	Francis Dominick Waters	320 E. 6 th St.	P
no af	Terence Quinn	^{123 1st ave} 307 E. 38 th St.	P
depr read	Deputy Coroner Jenkins		Left at Crown's office
called x	Mary C. Cassidy	331 E. 34 th In H.D.	P
called x	Kellie U. Lammery	357 E. 37 th In H.D.	P
called	James Duncan	21 st Precinct	L
called	Alexander Neil	127 E. 76 th	L. & white
	Deputy Coroner Jenkins		
called	Bernard Mulvey	21 st Precinct	P
not got x	Catherine Grey	357 E. 32 nd	
called	Minnie Smith	401 E. 53 rd in H.D.	
admitted	Peter Purfield		P
admitted	Doctor Jennings		P
admitted	Dr. William Starnack		P

0460

admitted
night-watched
admitted
admitted

John McSherry

John J. ~~White~~

Nightwatchman

Thos. Heffernan

Under-taker

301 E. 37th

~~Call James Quinn as witness~~

P
P
P

COURT OF GENERAL SESSIONS.

The People, &c.

vs.

Daniel Lyons

OFFENCE

RADOLPH B. MARINE
District Attorney

List of
Witnesses

0461

The People

vs

Daniel Lyons.

-----X

City and County of New York, SS:

John Lally being duly sworn deposes and says: I reside at 326 East 39th Street. I am a horse dealer. I do business at 313 East 38th Street with Benjamin Lynch,- I am now working in the Navy Yard as a laborer, James McCab- they got me my position there. I was in Lyons' house on July 5th in company with a man named Frederick Becker of NO. 714 Second Avenue, that is where he tends bar. While I was there with him he was talking to Lyons and John Corr came in. Becker was under the influence of liquor, and fell asleep. Corr, Lyons and I all went out. About half an hour after I came in, Corr having been there about fifteen minutes. A few minutes before they went out, Lyons said he and Corr were going somewhere, and all three of us went out, leaving Becker asleep in Lyons' House. I do not know what conversation took place between them. There was nothing said in relation to any quarrel and Quinn's name was not mentioned. Besides us four, there was Lyons' mother sister, and father,- they took part in the conversation which was of a very casual nature.

Sworn to before me this

day of September, 1887.

0462

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Daniel L. Gans

*Opposition
of
John L. Lally*

RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0463

POOR QUALITY
ORIGINAL

*District Attorneys Office,
City & County of
New York.*

Copy

August 11th, 1887.

Thomas H. Ryan, Esq.

Captain, 21st Precinct

Dear Sir :

I have received the transcript of the affidavits of
John McGuire, Thomas Wellington, William Hochen, William Carr, Joseph
Carr, James Kelly and Frederick Becker, proposed witnesses in the
Lyons case.

Will you kindly have them call to-morrow for the purpose
of signing and swearing to same, and oblige

Yours truly,

A. D. Barker

Chief Clerk.

0464

POOR QUALITY
ORIGINAL

People

a.

Daniel G. pro.
Murder

Chas. J. G. pro.
M. J. G. pro.
M. J. G. pro.

10/11

0465

I.

Testimony of original.

~~Mularkey~~ Special Detective Officer, detailed to 25th Precinct. Was detailed to catch Lyons. Recd info that he was in Pittsburg Penn. Went there with Officer James Duncan - got him in the jail in Pittsburg. Lyons admitted the shooting, & said that if he hadn't done it he would have been killed himself.

Duncan was present at this admission.

They waited for a regn from NY. When it came, they brought him on, turned him over to Capt Ryan.

At the time of the admission Lyons said that Quinn had a Chinese fan, with a knife or dagger - that he was approaching Lyons with this in his hand, when he was shot.

Lyons showed Mularkey a cut in his chin. ^{Mularkey took notice of it} (There is nothing in the testimony to show it came from Quinn.)

James Duncan - Patrolman 25th Precinct. Details with Mularkey to Pittsburg. Same in substance as Mularkey's testimony, same as to admission & as to cut.

0466

Thos. Wellington,

313 E. 39th - Peddler -

stood on the corner of 38th St. & 2nd Av -
abt 5 o'clock ^{PM} on July 5 - heard a
shot saw Lyons run - followed him to
39 & 1st Av, where he dropped.

Don't know who did the shooting.

stood on the northeast corner - shooting took
place there - stood about 15 feet away -
didn't see pistol - back was turned towards
Lyons when shot was fired.

Knew Lyons about two weeks, had
spoken to him once - knew Quinn; can't
tell exactly how long, ~~was~~ but his time
of day.

Reilly & he were the only ones near
by except the participant that he saw.

Reilly was talking to him, & his
back was turned, & he couldn't have seen what
occurred.

Didn't see Lyons & Quinn
talking together.

First he knows is hearing a shot, &
when he turns around, Lyons is running
away. Don't know whether Lyons & Quinn
had any conversation.

Didn't see shooting
was on the ground
but talking to Reilly
Heard shot & Lyons running
away.

0467

II

(A person who has been of bad character)

Larry Hines

No present occupation — 38

38 —

Knew Quinn about a year —
saw him a little before the shooting — n.e.
cor 38 & 2nd av — conversed with him
... (2) ... (2) ...
... 2 ... 2 ...
... 1 ... 1 ...

Quinn stepped down off the curb,
went over, & talked about 1 or 1 1/2 minutes
with Lyons. Then shot fired. Wt. picked
Quinn up, Lyons runs down avenue. Didn't
see shot fired. Was standing ... x Only
heard shot.

Quinn fell — we brought him
to Dry store — he says "Boys, I'm shot."
Wasn't there when he died.

Quinn walked toward Lyons.
stood about 2 ft. apart. I looked
at them a second, then turned my head away, the
shot was fired, Quinn fell.

About 10 feet away when shot
was fired. When G & L were together
their position in relation to me was such,
that the back of one was toward me.
Couldn't see what was taking place.

0468

tween them - didn't watch very in-
tently.

May have been a dozen people
there.

Never heard gun described
as quarrelsome.

Didn't see him attack 25

18

5-1-61

Didn't see the pistol

0469

Fol. I

COURT OF GENERAL SESSIONS OF THE PEACE

In and for the City and County of New York

-----X

The People of the State of New York

-- Against --

Murder

Daniel Lyons.

-----X

To Mess. Blake & Sullivan,

Defendant's Attorneys

Gentlemen:

Please to take notice that I require service forthwith of copies of the affidavits upon which you propose, in pursuance of your notice, to move this Court, in Part Three thereof, at 11 o'clock on the 3rd day of February, instant, for a new trial herein upon the ground of newly discovered evidence.

New York, February 2nd, 1933.

John W. Follows,

District Attorney,

32 Chambers Street,

New York City.

A. Y. General Sessions

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Samuel Lyons

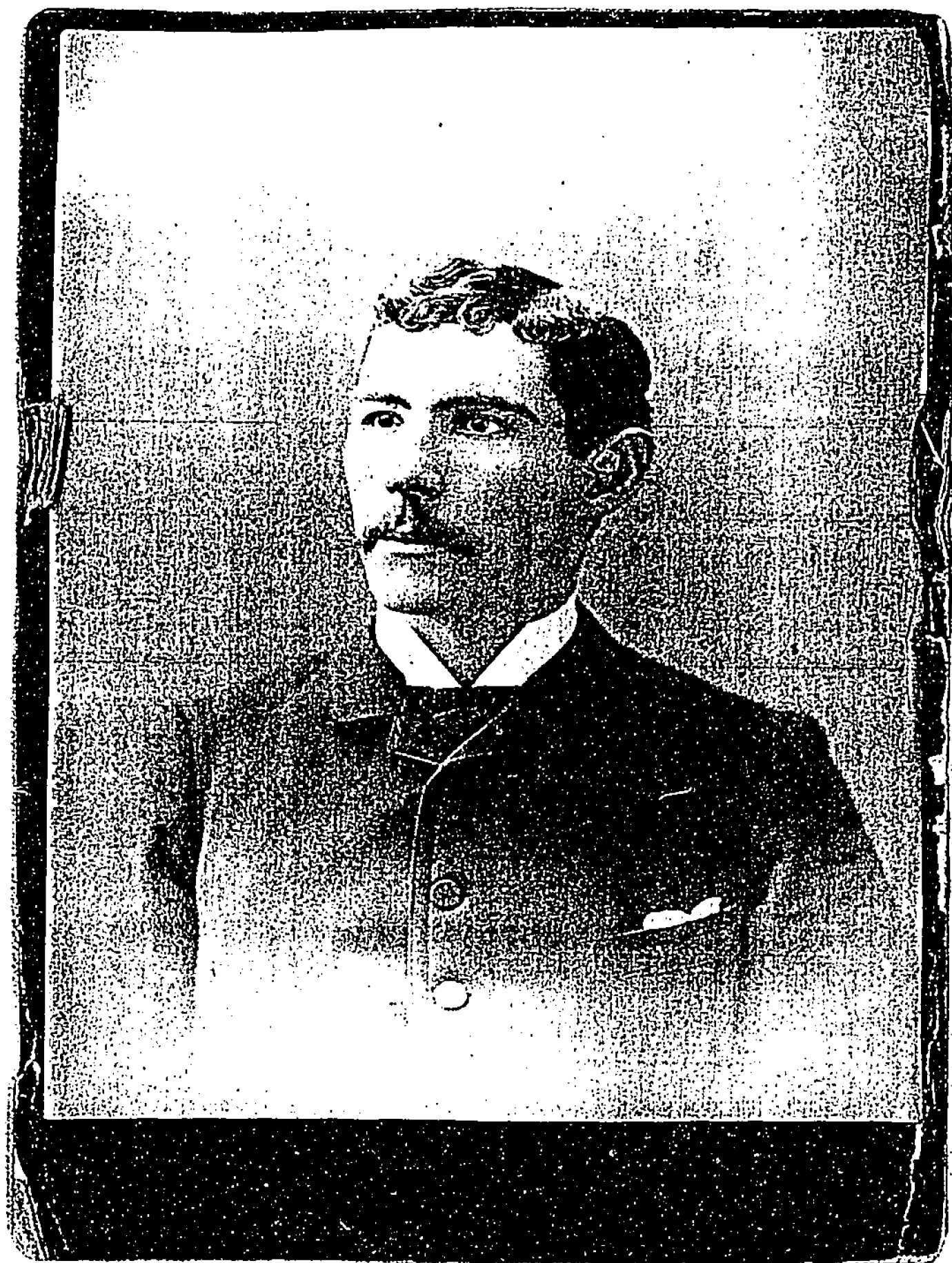
Chalice

John P. Fallone
RANDOLPH B. MARTELL
DISTRICT ATTORNEY,

Rec'd Copy within Notice
No. 32 CHAMBERS STREET,
NEW YORK CITY.
BLAKE & SULLIVAN,
COUNSELLORS AT LAW,
No. 71 CENTRE STREET, N. Y.

0470

0471



0472

COURT OF GENERAL SESSIONS.

The People &c.

vs.

Daniel Lyons

City and County of New York, SS:

John Lally, Being duly sworn deposes

and says, I reside at

and am engaged in the business of

I testified in the trial of this case. I was present

as was Lawrence Hynes & John ^{Buddy} at the time of the shoot-

ing of Quinn by Lyons, we all three were only a few feet

away from those two at the time of the shooting. I have

heard read the affidavits of Mary Irving and Alice

Hennessy in support of the application for a new trial

herein. I did not see either of them at or near the

scene of the shooting at the time or afterwards.

0473

THE PEOPLE OF THE STATE OF
NEW YORK,

against

David Lyons

*Opposition
of*

John Lacey

John R. Macosco
~~ROSLIE B. MARINE~~

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0474

- 1 Becker
- 2 Meehan
- 3 Tammang
- 4 Capidy.
- 5 J. J. Quinn
- 6 J. Corr
- 7 W. Corr
- 8 D. Chel
- (9 J. Quinn)
- 10 Lally
- 11 Watts
- 12 Cuddy
- 13 Hynes
- 14 Bellington
- 15 Pfeiffer
- 16 Bolger
- 17 McGuire
- 18 Reilly
- Ex. force from death to autopsy
- 19 Jenkins
- 20 O'Malley
- 21 Duncan

0475

John J. Glinis aff'd at
present.
Glebe Cemetery at pres-
ent.

0476

First

Those as to the fight, to wit,

Becker
McMahon
Tammamy
Coffey

Becker & McMahon to be digested.

Take Becker's from our afft — no
need to go into the inquest
McMahon from our afft.

Tammamy & Coffey from their
afft.

(Then, if bronze clock episode is con-
sidered of any value, take from
their afft.
J. Quinn
Walker
Lally
Cuddy

0477

Second

As to intent together with
Mechan Jamming & bapidy,
Come

J. J. Quinn (his afft)
J. Corr (afft & inquest)
W. Corr (afft & inquest)
A. Cheal (2 afft, one generally, one in-
quest)

Third

If the - piece of the bronze clock
is of any value, then

J. Quinn } from their
Lally } afft in
asdy } the 1st & 2d
waters } Lally & on inquest

Fourth

As to scene at shooting.

Hynes (2 afft & inquest)
Wellington (our afft & inquest)
O'ciffey (2 afft & inquest)
Cuddy (our afft & inquest)
Boyer (our afft & inquest)
Quinn (our afft)
Reilly (our afft)

0478

Fifth

Evidence of identification - where
he died & when, & follow him - to
autopsy.

Fifth

Seventh Jenkins, autopsy.

Mulvaney (inquest.)

Duncan (aff & inquest.)

Mark that Hyman is a prison
kid

0479

COURT OF GENERAL SESSIONS OF THE PRINCE
OF THE CITY AND COUNTY OF NEW YORK.

The People of the State of New York

vs.
RICHARD LYONS

City and County of New York, ss:

Alexander Hall, being duly sworn deposes and says, as follows:- I reside at No. 117 West 4th Street, in the City of New York, and am engaged in the milk business. At present I am detained as a witness in the House of Representatives New York City.

On the 5th day of July, 1937, I was in the saloon kept by Albert Booth, on the northeast corner of Third Avenue and 34th Street. While there, and about the hour of two P.M. two above named defendants came into the saloon, and asked the bar-keeper to lend him a pistol. The bar-keeper answered that he had no pistol there, but that he had one at his home. After some further conversation regarding this pistol, the defendant turned to me and asked me if I had a pistol. I told him that I had one up home, and that I was going up to my home shortly to make a change of clothing, and that I would bring it down to him. I then asked him, defendant, where he got his black eye, he said: "Oh, I got it". I then asked him where, and to this he answered: "From Quinn." Defendant

0480

14

further said that Quinn had hit him with a stick, and that he, the defendant, was going to punch Quinn, and that he wanted the pistol. He further said that the trouble with Quinn arose over Quinn's girl, to whom, the defendant had done what he had not ought to have done. This was about half-past two in the afternoon. Soon after this conversation, the defendant and one John Corr, left the saloon together and went up town. I left the saloon that afternoon, about twenty minutes after the defendant left, and went to my house, got my pistol which was empty, and returned to the same saloon. At about half-past four on the same afternoon, on entering the saloon I found the defendant there, he spoke to me and said: "Have you got it", I said, "yes"; here it is" taking it from my inside coat pocket. He said: "Is it loaded". I said "no". He said: "I will give it back to you tomorrow. I will either give it to John Corr or to George Allen". I told him I did not care if I never got it back, as I had no earthly use for it. The defendant then walked to the front of the bar room and entered a little office there, set down at a table, and I heard him snap the revolver, which was, as far as I now can recollect, "a British Bull Dog" about seven chambers. Then the defendant came out of the private office and with John Corr left the saloon together, - this was between four and five o'clock. I remained in this saloon until about ten minutes after seven, and then left and walked

0481

down to a saloon on 51st street and Third avenue, on the
south-east corner. There I heard from the bar-tender
that Quinn had been shot by the defendant Lyons.

Sworn to before me this

25th day of July, 1887.

J. W. Smith
J. L. 11/

Alexander Steil

0482

I met Lyons, he had a black eye, he told me Quinn gave it to him, and that he was going to "do" Quinn. He asked me to go with him to my brother's, who was keeping bar on the corner of 52nd street and Third Avenue, north-east corner, for the purpose of getting from him a revolver to do Quinn. I went for the purpose of advising my brother not to let him have the revolver. When he asked my brother for the revolver, I shook my head, to signify to him not to do it. My brother then made the excuse that some part of the revolver was broken. Lyons said he would get it fixed. My brother said never mind, that he would not do that. He then asked Alex. Neal to lend him a revolver. Some conversation ensued, all of which I did not hear, although it was in the same room with me and about twenty feet distant I heard Neal say that he would have to go home to get the revolver. I saw him go out and into a car to go home, as I supposed for the purpose of getting a revolver. He came back in a couple of hours, took Lyons by the arm and led him into the back room, there I heard a sound which appeared to me like the clicking of a revolver. Shortly afterwards, I, Lyons, and a friend of Quinn's named Cutty walked down Third Avenue, when we got to 51st Street Cutty left us. When we got to 36th Street Lyons renewed his threats to do Quinn. I left him and went through 36th Street towards Second Avenue. I stopped at the house of a man named Mr. Wolff, on the south side of 36th street between First and Second Avenue to get a man named Allen, whom I had left there in the morning, and who was sleeping

0483

N.

off the effects of drink. Allen and I went up to First Avenue, and saw an Officer coming hurridly through 36th Street and also a number of people. We asked what was the matter and were told that a man had been shot at 38th Street and Second Avenue. We went up there and I asked whether he was seriously hurt and who he was, and was told that it was Quinn, and that he was dying.

From the time the shooting took place until I next returned to work.---

Allen and me walked down the Avenue. Went into two or three places on the Avenue. We were in Arthur Kelly's between 33rd and 34th Streets - we were in there two or three times, then walked up the Avenue to 38th St. we were there about half an hour. I was there after this man Quinn came home from the hospital. The last place I remember being in that night was Arthur Kelly's, at about half-past ten. From there this man Allen and myself went up to 36th Street and went to bed. I got up the next morning about eight o'clock, and went down in the neighborhood again. I left the work Sunday morning, the fourth of July I drank a little too much and did not want to go to work, until I had seen the boss. Wednesday the boss came up looking for me, around the neighborhood. He did not see me that night. I was in this man Kelly's at the time. I then went home on Wednesday evening and went to bed. I should judge about half-past ten. I did not leave the house the whole day Thursday until noon time. I went up

0484

the Avenue to see my brother, and from there I went down to Corner Canal and Bowery to see my boss, I went down and saw him. In the mean time I had been to the Station House. I voluntarily went to the Station House

Officer (Q. . I went to see Tiernan three times, and your boss went up and found your brother at 34th Street and Second Avenue. He asked where you were and he said he did not know. He said, try and see him and if he will take the pledge I will give him work again. I went back that night to see your boss and the only information he would give me was that you were well, and that you would be here at half past nine. I said I would be there this evening. I said, get John, I want to see him on important business. When I went back there again, Tiernan says, you can't see him, I will meet you at half-past six at the Summit House.?)

My brother did not know where I was. I was in Arthur Kelly's, at the time.

Q. Did you see Lyons from the time you heard of that shooting until you came back to work? A. I did not; I did not hear of his whereabouts.

Q. Were you during any of that time engaged in concealing Lyons? A. Never. Q. Nor helping him to conceal himself? A. Never

Q. Did you keep out of the way for the reason that you were afraid you would be implicated? A. No sir; I did not; I kept out of the way because I was drinking.

0485

THE PEOPLE OF THE STATE OF
NEW YORK,

against

Lyons

RANDOLPH B. MARTINE,

DISTRICT ATTORNEY,

No. 32 CHAMBERS STREET,
NEW YORK CITY.

0486

VI

Dictated.
G.B....S.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

*Recd
Aug 4*

August 2, 1888.

Hon. John R. Fellows,
District Attorney of New York County,
New York City.

Sir:

Application for Executive clemency having been made on behalf of Daniel Lyons, who was convicted of murder, first degree, in the County of New York, and sentenced to be executed August 17th, 1888, I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction?

I am,

very respectfully yours,

William G. Rice
Private Secretary.

0487

VI

Dictated.
G.B....S.

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

August 2, 1888.

Hon. F. Smyth,
Recorder of the City of New York,
New York City.

Sir:

Application for Executive clemency having been made on behalf of Daniel Lyons, who was convicted of murder, first degree, in the County of New York, and sentenced to be executed August 17th, 1888, I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, as amended in 1884, you will forward to him a concise statement of the facts and circumstances developed upon the trial, together with your opinion of the merits of the application. Will you also inform the Governor of any other matters having a bearing upon this case which have come to your knowledge since conviction ?

I am,

very respectfully yours,


Private Secretary.

0488

Answered

August 6th 1888

W. B. B.
per 142

0489

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Daniel Sugars

The Grand Jury of the City and County of New York, by this indictment accuse *Daniel Sugars* —

of the CRIME OF Murder in the First Degree, committed as follows :

The said *Daniel Sugars*,

late of the City of New York, in the County of New York aforesaid, on the *22nd* day of *July*, in the year of our Lord one thousand eight hundred and eighty-~~seven~~ at the City and County aforesaid, with force and arms, in and upon one *Joseph Quinn*, in the peace of the said People then and there being, wilfully, feloniously, and of *his* malice aforethought, did make an assault, and the said *Daniel Sugars*, a certain pistol then and there charged and loaded with gunpowder and one leaden bullet, which said pistol the said *Daniel Sugars* in *his* right hand then and there had and held, to, at, against, and upon the said *Joseph Quinn*, — then and there feloniously, wilfully, and of *his* malice aforethought, did shoot off and discharge, and the said *Daniel Sugars*, — with the leaden bullet aforesaid, out of the pistol aforesaid, then and there by force of the gunpowder aforesaid, shot off, sent forth, and discharged, as aforesaid, *him* the said *Joseph Quinn* in and upon the abdomen of *him* the said *Joseph Quinn*, then and there feloniously, wilfully, and of *his* malice aforethought, did strike, penetrate, and wound, giving to *him* the said *Joseph Quinn*, then and there, with the leaden bullet aforesaid, so as aforesaid discharged, sent forth, and shot out of the pistol aforesaid, by the

0490

said *David Sugars* in and upon the *side* of
the said *Joseph Quinn*, one mortal wound of the breadth
of one inch, and of the depth of six inches, of which said mortal wound *he* the
said *Joseph Quinn* ~~at the City and County aforesaid,~~
~~from the said~~ ~~day of~~ ~~in the~~
~~year aforesaid, until the~~ ~~day of~~ ~~in the same year~~
~~aforesaid, did languish, and languishing did live, on which said~~
~~day of~~ ~~in the year aforesaid, the said~~
~~at the City and County aforesaid, of the said mortal wound did die.~~
then and there died.

And so the Grand Jury aforesaid do say: That the said
David Sugars, Jr.,
the said *Joseph Quinn*, in the manner and form, and by
the means aforesaid, wilfully, feloniously, and of *his* malice aforethought, did kill,
and murder, against the form of the Statute in such case made and provided, and against the
peace of the People of the State of New York and their dignity.

RANDOLPH B. MARTINE,

District Attorney.