

A QUEER CASE.

McNiff Pleads "Not Guilty."

BOUND OVER FOR TRIAL.

The coroner completed the investigation as to how Francis Burns came to his death, Wednesday.

The inquest was the best conducted one ever held in Danbury, everything being done in perfect order, and one witness not being allowed to hear the testimony of the other. Sergeant Keating had general charge of affairs.

THE INQUEST.

John McNiff was placed on the stand, and told the story of the occurrence in full, the following being his words:

MC NIFF'S STORY.

"My name is John McNiff. I reside on Whitlock street, Danbury. I have lived here for eight years, with the exception of one year spent in Bridgeport. I have a grocery store on Turner street, and a saloon at the corner of White and Ives streets. Between eleven and twelve o'clock some one came to my house and knocked at the door. I was sitting in my room with my hat, coat and shoes off. Mr. Phalon came to the foot of the stairs and called me. I came part way down. Michael Moran was at the door. He told me that some one had broken into my store. I told him to wait a minute, and I went up stairs and put on my things, and came down again. I started for the store with three men. When I reached the store I heard some noise inside as of bottles rattling. I went around to the back door and found it open. I saw some one going down through the yard with some cases of bottles in his hand. I couldn't see who it was, it was so dark. There was no electric light or anything. I ordered him to drop the bottles. This he wouldn't do and I hit him. I could not say just where I hit him, but it was somewhere about the head. He fell. Then I went back to the store and lit a lamp. I came around the corner of the store, just then Jennings and Hickey came around the corner. We all went down where the man was. I took the bottles on the ground and put them under the barn, and took a whiskey bottle out of his pocket. They then proposed to move Burns out of that place. We brought him up then to the hallway to Mrs. Ryan's. We were going to leave him at the foot of the stairs. I said we had better take him up stairs. After we got him up there we made him as comfortable as possible. We then left Mr. Ryan's. I went to the wake at Mr. Stevens' with Michael Hickey. I staid there a little while and then went home and went to bed. I first knew that Burns was dead between six and seven o'clock Monday morning. Pinkey Ryan came up to my house and told me that Burns was dead. I went down street, and then to the police station and gave myself up. I made a statement to Dr. Wile. Officer Keating was there too. I have been under arrest ever since."

Then a spirited cross-examination took place, Coroner Holt asking the questions:

"Did the man have anything in his hand when you saw him?"
 "Yes, he had some beer bottles."
 "Did you speak to him?"
 "I did; I told him to put them down."
 "Did he do it?"
 "No, he kept right on."
 "Where was he when you overtook him?"
 "Down near the shed."
 "What did you say to him?"
 "I told him to put them bottles down."
 "Did he answer you, or look around?"
 "No, I guess not. It was so dark I couldn't see."
 "What did you do then?"
 "I hit him."
 "How many times did you strike him?"
 "Only once."
 "What with?"
 "My hand."
 "Were you back of him, or at the front, or side of him?"
 "I couldn't say."
 "Did he drop the bottles?"
 "Yes."
 "You only struck him once, you say?"
 "That's all."
 "Did you kick him after he was down?"
 "No."
 "Did he say anything after he fell down?"
 "He said 'don't!'"
 "Did you recognize the voice?"
 "I did."
 "Whose voice was it?"

"Yes sir."
 "Did he look at the man?"
 "I don't know what he did."
 "Did he tell you Burns was dead?"
 "Yes, sir."
 "After your son had found that Burns was dead, what did he do?"
 "He went out doors."
 "Did he tell any one?"
 "He must have done."
 "How many came?"
 "I don't know."
 "Did one person come?"
 "I don't know."
 "Why?"
 "I didn't see any one."
 "Did you see any one, or hear any one at all?"
 "I don't know. I don't remember."
 "Did you know it was Burns when they brought him in?"
 "Yes I did," (sharply).
 "Did he groan or make any noise during the night?"
 "No, he didn't."

With this Mrs. Ryan was excused and she hobbled off out of the door as fast as possible.

Patrick Kildea was sworn, but only told about hearing noises in the store.

With this the examination closed, and Coroner Holt returned to Bridgeport.

CORONER HOLT'S VERDICT.

He Says Burns Met His Death at the Hands of McNiff.

Prosecuting Attorney Burke received the following report from Coroner Holt Thursday evening:

BRIDGEPORT, May 17, 1888.

William Burke, Esq.,
 Prosecuting Attorney
 Borough of Danbury.

DEAR SIR:—In accordance with the statute in such cases provided, I hereby notify you of the finding made by me in the inquest held by me recently in the town and borough of Danbury, upon the body of Thomas F. Burns, late of said town of Danbury, who came to sudden, violent and untimely death. It is as follows, to wit:

I find that said deceased came to his death in the town of Danbury, on the 14th day of May, 1888, from concussion of the brain, caused by blows upon the head, inflicted at the said town of Danbury, on the 13th day of May, 1888, by John McNiff, of said town of Danbury.

Yours very respectfully,

FRANK L. HOLT, Coroner.

MCNIFF IN COURT.

Bound Over on the Charge of Manslaughter.

Wednesday at 11, McNiff was brought up from the police station in the lower part of the City Hall, and taken to the court room where Judge Hough, Prosecuting Attorney Burke and McNiff's counsel, Howard B. Scott, were assembled.

He was asked to stand up, and he plead not guilty to the following:

STATE VS. JOHN MCNIFF, COMPLAINT FOR MANSLAUGHTER.

State of Connecticut, County of Fairfield, ss. Town and Borough of Danbury. To the Honorable the Borough Court of the Town and Borough of Danbury, holden within and for said town and borough of Danbury, in said county, comes William Burke, prosecuting attorney in and for said town of Danbury, on his oath of office complaint and information makes that on the 13th day of May, A. D. 1888, at said town of Danbury, John McNiff, of said town of Danbury, with force and arms did then and there feloniously make an assault on the body of Francis Burns, of said Danbury, and did there and then beat and strike the said Francis Burns several blows, with some blunt instrument, a more particular description of said instrument being not known by the said prosecuting attorney, on the head and back of the neck of the said Burns, and the said McNiff did then and there beat with his fist and kick the said Francis Burns on his said Burns, face, head, limbs, and thereby did then and there give to the said Burns upon his head and neck, mortal wounds, fractures and contusions, of which the said Francis Burns instantly died, against the peace and contrary to the statute in such cases made and provided.

"What is your plea?"
 "Not guilty."

An examination was then waived and the matter of bail discussed. It was finally fixed at the sum of \$5,000 and the prisoner allowed to depart.

At nine o'clock this morning, in the regular session of the borough court, the trial, or hearing, took place. The witnesses were examined and cross-examined, but nothing more obtained

evidence that the dead man was in any other row on that night.

Three men heard noises in the store. They did not go inside to find out who it was but went directly to McNiff's house, a quarter of a mile away, and informed him that his premises were being burglarized. Two of these men were strangers to each other—did not know each other's names. They waited for McNiff and walked back with him. At the time they discovered the supposed robbery they were walking up Turner street on their way home.

When they returned with McNiff they left him at the corner of Main and Turner streets, McNiff going down to the store to find the one, two or three robbers—the armed robber or the unarmed robber, but as it turned out, the poep on up Main street in an entirely different direction from their homes. Why do they leave McNiff to crapple with the unknown robber or robbers alone! The store is being robbed. Have they no curiosity to find out who the robbers are or what they are taking?

By and by, one of these three men goes back down Turner street on his homeward journey. He sees McNiff down in the yard with a lantern; passes within speaking distance of him. Knows the store has been robbed. It is twelve o'clock; nobody around, yet he does not even have the curiosity to ask what had been taken, but goes on to his bed as if nothing unusual had happened. Then there are Frank Riley, and Thomas, alias "Pinkey" Ryan, two chums of Burns.

Riley testified that himself, Ryan and Burns were sitting on a stoop next to McNiff's store. Ryan went away. Shortly after Burns left. Where they went the witness did not know. He, Riley remained there alone for a few minutes, and then went down to a Murphy's. He says nothing about any three men discovering a robbery. The men say that when they came along Riley was sitting on the stoop alone. They stop and listen. Riley speaks up: "There is no one in there" (McNiff's store). The men go around to the back of the building. They turn around and come back. On their way back Riley passes them and goes toward the back door of the store. The three turn around and retrace their steps. They arrive at the corner of the building in time to see three forms disappearing in the darkness. They hasten back to the street, and there find Riley, Ryan and Burns taking seats on the same stoop.

Now wouldn't Riley's story sound better this way? The three are sitting on the stoop. No money, no liquor. There is liquor in McNiff's store. The place is easy of access from the rear, there being a pane of glass out. One of them proposes that they go in and get the liquor. It is late on a dark, cloudy, Sunday night. No one around. The residents of the neighborhood are away to the wake at Stevens' house. Burns and Ryan go down to the store. Riley keeps guard at the front. The three men come along and hear the noise. In his anxiety to prevent the discovery of his friends he betrays himself in saying "There is no one in there."

The three men making the discovery go around to the rear before Riley can act. But he follows them; warns his companions and he with the other two are seen disappearing in the dark, and soon after resume their seats on the steps.

The other three men go up to McNiff's leaving them seated on the stoop. McNiff comes down and catches Burns alone, leaving the store. He strikes him. Did not Riley and Ryan come back with Burns? Are they not hiding somewhere? Riley goes home, but by and by Ryan appears on the scene and helps to carry the unconscious and almost undoubtedly dead, form of his late fellow burglar up into his mother's room. They were going to leave him in the hallway, but McNiff tells them they had better carry him up stairs, and then going for a doctor is suggested, but the idea is not carried out.

It is at this point of the testimony that they all get themselves in a nice fix. They swear that they did not know that Burns had been injured. No one but McNiff knew that he had been struck. They all thought he was drunk—dead drunk, or to use the Turner street expression of such a condition, "paralyzed."

Now everybody knows what a rarity a drunken man is in Turner street. If John McNiff, "Pinkey" Ryan, and the others present supposed that Burns was drunk, is it not more likely that on a warm night like that they would have thrown him down in one corner of the shed but a few feet away, instead of carrying him across the yard and up a flight of stairs? Would a saloon keeper be likely to send for a doctor to attend a drunken man? Such a thing is actually absurd, but it is exactly what men under oath have testified.

There is one other witness who deserves mention, and especially while

HOP PLASTER

What is the use of suffering with Pain in the Side or Hip, Sciatica, Rheumatism, Sprains, Bruises, Swollen Muscles, Chest and Lung troubles, sort of pain or soreness, either local or general? Prepared from Burgundy Pitch, Balsam, and the pain-killing properties of the best strengthening plaster known. Thousands say so. Sold by all druggists on receipt of price, 25c. 5¢ per box. HOP PLASTER COMPANY, Boston.

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DYSPEPSIA! INDICES! HEARTBURN! ACID STOMACH! Bloating Wind! Sick Head!

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DR. MARK R. WOODBURY'S DYSPEPSIA KILLER

Can be procured of any druggist for a box (trial size 25 cents), or will be mailed on receipt of price, to any part of the U. S. by the selling agents, Doolittle & Co., Wholesale Druggists, 24 and 26 Tremont Boston, Mass.

BROWN'S OLD-TIME Root Beer

FOR SALE EVERYWHERE

Orders left at Stone's Bakery, which will be promptly attended to. Post-dress,

D. P. BROWN

Cor. West Wooster St. and Washington

The Trotting Stall

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At nine o'clock this morning, in the regular session of the borough court, the trial, or hearing, took place. The witnesses were examined and cross-examined, but nothing more obtained from them than what was brought out at the inquest.

Byron Dexter made a statement about Burns having fallen off of a horse, Saturday evening, but this was not regarded as material.

After the taking of the testimony, arguments both for the state and for the defense were heard. At the request of the father of the deceased, Lawyer Toohy appeared to assist in the prosecution, and made an address, holding forth that the homicide was a most unjustifiable one and should be punished.

Howard B. Scott appeared for the defense and claimed that the killing, in his opinion, was perfectly justifiable, on account of Burns having been caught leaving the store with McNiff's property.

Mr. Burke of course expressed his mind to the contrary, and in all cases many points of the law were brought out.

Judge Hough decided that the killing was not justifiable, and that the prosecution was not sufficient to warrant the committing of such a deed. He also said that he did not think that certain points of the evidence were quite clear, especially that of McNiff, in saying that he struck but one blow, and that with his fist, and he did not doubt that it would all be brought out in the Superior court.

He then found McNiff guilty of the charge on which he had been tried, and bound him over to the next term of the Superior Court, under \$5,000, which was furnished by James McNiff.

QUEER STORIES TOLD BY QUEER PEOPLE

The Burns case is now practically over for the present. The inquest is finished and the hearing concluded. But there are still many important facts that, as yet, remain hidden, and facts that probably never will be brought to light.

Burns was found dead, his head and body covered with bruises of all kinds, but, as the doctors say, all evidently made at the same time and in the same manner. Two of these, in particular, a cut on the temple, and another on the chin, each reaching to the bone, were fresh and bleeding out. There were fourteen different contusions on the

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There is one other witness who deserves mention, and especially while improbabilities are being mentioned. That is Mrs. Mary Ryan. Four great, rough men bring a fifth into her bedroom. She is asleep in bed. She hears the noise, awakes, turns over and looks at Burns. He may be dead. He may not. She does not know. Does not care. She goes back to sleep. Wakes up in the morning. Must almost necessarily step over the body of Burns. Goes out and does not know he is dead until told by her son. When they brought him in she did not even have the curiosity to ask what was the matter. We most certainly never saw a place so devoid of curiosity as Turner street is at times. But let a show band come down the street and every one of these men would leave their work and run to their doors. A robbery is a very common thing there.

But Mrs. Ryan swears she did not know when Burns was brought into her room. She further swears she knew him the moment he was brought in.

A queer case.

You'll find her smiling night and day, Although at times she is not gay. And should you wonder why you meet This constant smile, regard her teeth. She only laughs those gems to show, Which Sozodent makes white as snow.

Laughter Lends a New Charm

To beauty when it discloses a pretty set of teeth. Whiteness, when nature has supplied this element of loveliness, may be retained through life by using the fragrant Sozodent.

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Only fools and those who haven't fifty cents hesitate to procure a bottle of Baker's Great American Specific.

Take time by the forelock out don't put it. CORNS will come. COUGHS will rack you. CRAMPS and COLICS do not depend on green apples to produce them. DYSENTERY weakens and distresses winter as well as summer. But if you have procured a bottle of Baker's Great American Specific, you can overcome all these. Cure the COLD, relieve CRAMPS and COLIC, and check DYSENTERY. More and better: all N. E. should know that.

Baker's Great American Specific will cure RHEUMATISM and relieve NEURALGIA. Little things, but of much moment—Burns, Bruises, Scalds, Sprains, are healed by its application. Sold by all dealers in medicine at 50 cents a bottle. Prepared only by Maurice, Baker & Co., Portland, Me. Doolittle & Smith, 24 and 26 Tremont St., Boston, Mass., Selling Agents.

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Cor. West Wooster St. and Washing

The Trotting Stallion

CLIPPER,

Sired by CLIPPER,

Is prepared to serve during the season a fine choice mares at my stable, on street, Bethel, Conn.

PEDIGREE

Clipper, Jr., was sired by Clipper, Jr. Island Flying Cloud; he by Verno Hawk, which stood the last of his sires a foal. Verno Hawk was a son of the celebrated stallion Ethan A. Cloud was the sire of the Stallion L. who trotted a mile in 2:26, and was many others equally as good. Fly trotted his mile in 2:30 at the age of years, when his leg was broken, at taken from the turf. Clipper's dam was a senger mare, and although never a second to none as for endurance at ster. Clipper has trotted, at two fairs, three straight heats better than was awarded the first premium at the Woodward, Morcan Billy, and Yount At the same Danbury fair, in 1875, he first premium as a stock horse, with as his get; and has taken several o miums and purses.

Clipper, Jr.'s dam was a Morgan I. she trotted her mile in three minutes.

Description of Clipper

In color he is black, and is sixte high, and weighs 1,000 pounds. He is old of good disposition, easy and as his get; and has taken several o miums and purses.

Breeders and others are invited to see him.

TERMS:

To insure a foal, \$15.00; \$5.00 at tim vice. Mares not duly returned will be with foal.

Persons parting with mares after will be held responsible for the pay.

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