

VOL. 19, NO. 5.

DANBURY, CONN., WEDNESDAY, MAY 1

### A HOMICIDE.

Francis Burns Pounded to Death  
on Turner Street.

Dr. Wile's Autopsy.

CONCUSSION OF THE BRAIN  
FROM A HEAVY BLOW.

The Coroner's Inquest.

To the already long list of crimes committed in Danbury, another has been added. A startling tragedy was enacted on Turner street, Sunday night. It is not probable that the killing was intentional, but at the same time, the self acknowledged dealer of the fatal blow is safe behind the bars of the police station.

Too many times have men been found dead, their bodies bruised and clothing torn, and the verdict of "accidental death or death at the hands of unknown parties," given and the matter there and then dropped after but a few days investigation.

Here the investigation was commenced immediately, and the principals in the case put under lock and key within a few hours after committing the crime.

It was between 6 and 7 o'clock Monday morning when a messenger breathlessly informed Officer George Reed that a man had been found dead—murdered, it was supposed,—in Turner street.

Without loss of time Reed stepped into the station and by telephone notified Medical Examiner Wile. He then hastened to the vicinity from which the report came, and found the mutilated body of Francis Burns, a young man about twenty-six years of age, residing with his parents on Grand street.

No. 21 Turner street is a long, two-story frame building with a store below. This store is owned by John McNiff and conducted as a grocery. Directly in the rear of this building is an old, tumble-down sort of a building of two stories, occupied as a tenement house as long as the tenants could remain in it, and even now a portion of it is used as a habitation. The lower floor is unoccupied, and an unpainted wooden door opens into a short hallway, whence a flight of stairs leads to the room above, occupied by Mrs. Mary Ryan.

These two buildings are separated only by a narrow yard, which affords a harboring place for the boys of the neighborhood, a half dozen chickens, three or four ash heaps, a cistern or two, and the usual amount of rubbish completes the scenery of the neighborhood. At the rear of Mrs. Ryan's apartments, and adjoining the yards of Centre street property owners, are barns, horse-sheds, chicken coops, etc., and between the two a wide barnyard.

In this yard, close to the barn, the scuffle in which the fatal blow was struck occurred, and to the house in which Mrs. Ryan lives, in fact, to the very apartments which she occupies, the victim was carried, and there breathed his last.

From the shed to the door of the house two marks were, Monday morning discernable, showing in what manner the body had been carried to where it was found. The marks were those of Burns' heels, made as he was dragged

ly absurd, as the body lay within three or four feet of her bed.

Again she claimed that she knew when they brought the man but paid no attention to the fact. She thought that he was dead but did not take the trouble to make any examination.

Still another story to the effect that she got up and assisted in making Burns comfortable.

After listening to the different stories of the witnesses, the police deemed it advisable to place John McNiff under arrest, and he is now in a cell at the police station. Sergeant Keating made the arrest.

Burns' entire body was covered with bruises and scars. Back of his ear was a long cut, and another one was conspicuous on his throat. The top and side of his head was also badly bruised.

As the case now stands it is a clear case of homicide. Burns was alive and well before being hit by McNiff, and shortly after the occurrence was found dead.

Burns, who was perhaps better known as "Spitz," has for years been a well-known character about town, but was generally considered quiet and peaceable.

John McNiff who is arrested for the crime is a well known saloon keeper. He is proprietor of a place on White street, and was formerly in business with his brother, on Main street, near the park.

Coroner Holt arrived at 11 o'clock and took charge of the case.

All day Tuesday the friends of the prisoner hung around the City Hall and wandered about the basement corridors, hoping to get a chance of speaking with him.

James McNiff, a brother of John, has been working hard to secure evidence in favor of the prisoner, whose only chance seems to be in the burglary story. The police have also been kept busy summoning witnesses for the inquest.

The investigation of the police shows conclusively that no one had broken into McNiff's store during the night, as no marks of violence could be found about the buildings. A broken pane of glass in a rear window was found to have been in the same condition for weeks.

#### THE AUTOPSY.

An autopsy was held Tuesday morning but the physicians refused to make any definite statement concerning it. It is, however, ascertained that death was due to a concussion of the brain. Marks of a heavy blow dealt by some blunt instrument were found, and there was nearly a pint of coagulated blood on the brain as a result of the blow. It is the impression that the blow was struck with a heavy bottle.

#### THE INQUEST.

The inquest was commenced in the City Hall, at 2 o'clock, yesterday.

For an hour before the time for the hearing the street in the vicinity of the City Hall and the halls of the building were filled with a crowd composed of all classes of people, who at the opening of the doors rushed in and occupied every available space in the portion of the court room, reserved for spectators.

Sergeant Keating assembled the witnesses in the police office below, and as they were wanted they were brought up into the room above.

The first person sworn was Edward Jennings, a laborer living on Turner

Michael Hickey a laborer living on Turner street was next examined. He said he lived a short distance from McNiff's store. Sunday night saw McNiff about his store with a lighted lamp.

I asked him what was the matter and he replied that someone had been breaking into his store. He said that the burglar was back there, pointing to the rear of the yard. I went there and found a man whom I recognized as Francis Burns lying on the ground near the shed. There were cases of empty beer bottles lying near him. I examined Burns and found that he was breathing. There were marks and blood on his face. His hat was off and his eyes were open. I did not speak to him as he did not speak to me. I said to McNiff that he should not be allowed to stay there, but should be removed to a more comfortable place. Another man then came along, and we took him up to Mrs. Ryan's place. He was alive when we reached the room up stairs. Mrs. Ryan was upstairs alone. We laid him down on the floor. I noticed that his shirt was slightly torn. I only staid a few minutes, and then went on to a wake. I did not know whether the man was drunk or badly hurt when he was taken up stairs.

Dr. Wile now entered and was at once sworn. He testified as follows: I am medical examiner for the town of Danbury. I was first notified of this case by telephone about six o'clock Monday morning, by Officer Reed. I went to the place where the body was found, in Mrs. Ryan's apartments, and made an external examination. I found some bruises about the body. The head was in an uncomfortable position. The bruises were all contusions, evidently from blows or kicks. Some were slight and some penetrating. There was a little blood on the left side of the neck where it had trickled down from a cut above. There were also marks on the right hand which was much swollen. It had the appearance of having been stepped on. I made an examination of the premises and vicinity. From the spot where he had fallen, to Mrs. Ryan's door were two parallel marks or grooves as if the man had been half carried and half dragged, his feet trailing behind him. I found no signs of any struggle having taken place. I made a post-mortem on the body to-day. The direct cause of death was a hemorrhage into the brain. This hemorrhage was very extensive. The clots of blood and fresh blood about the brain we estimate at fully half a pint. It was a very large hemorrhage and one rarely seen. The blood was all at the base of the brain. From the nature of the marks, I am positive that they indicate violence. There was a spot in his forehead near the medium line, in the centre of which was a penetration reaching clear through the skull. Such a wound could have been made had he been struck with a piece of stick from which protruded a nail. It could not have been done by a blow from a fist, unless the person who dealt it wore a ring with a sharp pointed setting. This penetration was not, however, fatal.

There must have been several blows struck, in fact one for each contusion. There were three distinct contusions on the head alone, and three clots of blood under the scalp. Death would be much more likely to result from such blows.

At 5:40 the witnesses were excused for the day, and the proceedings adjourned until 12 o'clock Wednesday.

in Murphy's. Later he testified that he had no idea that there had been any trouble.

Thomas Ryan, another chum of Burns said that he came down into the yard back of McNiff's, Sunday night. He saw McNiff and Jennings there, also Burns lying on the ground near the shed. He thought the latter was drunk. He too, saw McNiff out in the back yard with a light in his hand. He saw a cut on Burns' face. He asked how he came to be cut, but McNiff and Jennings said they didn't know. He helped carry the man up stairs to Mrs. Ryan's room.

One of the queer features of this portion of the affair is that in a neighborhood like that, where drunkenness is so common, these men supposing that Burns was drunk should take the trouble to carry him up into the house, especially as the night was comparatively warm.

Michael Moran, one of the men who first discovered that a robbery had taken place, and who informed McNiff, was the sixth witness examined and told the following straightforward tale: I was on my way home Sunday night at not far from ten o'clock. A man near McNiff's told me that he had heard considerable noise in the store. We went around to the back of the building to see if we could find any one. We heard some one walking away. We tried the back door and found that it was unlocked. John Brett was the man with me and we went up to McNiff's house, which is on Whitlock street. He came back with us, but we left him at Main street. He went on down to the store.

John Brett, who accompanied Moran, said that he was going to his house on Turner street about 10:20. He heard a noise in the store, and meeting Moran, asked him to go down back and see what it was. His testimony was: "When we went down toward the rear of the store, Francis Riley was sitting on the stoop of the store next to McNiff's. He told one of us that there was no one in the store. He spoke up voluntarily and before we spoke to him. I then heard the noise of bottles rattling and a sound similar to the ringing of a bell on a money drawer. When I went down, Moran did not accompany me all the way, and as I was coming back to where he stood, Riley passed me and went down towards the rear of the store. We went down there again and saw three fellows going along the rear of the building. We then went up and told McNiff, and he came down with us, we parting with him at Main street. Later I went past the place and saw McNiff out in the yard with a light in his hand.

In a cross-examination he stated that when he first heard the noise Riley was alone on the stoop. After Riley had gone toward the back of the building, and after the three men had been seen to go along the back of the building, Riley, Burns and Thomas Ryan appeared together and took seats on the stoop.

James Phalon, of the firm of Tallant & Phalon, lives in the same house with McNiff. Someone knocked at his door Sunday night and asked if Mr. McNiff was in. Mr. Phalon called him down and heard the man in the hallway tell him that his store had been broken into. Mr. McNiff went away with the man. At 5:40 the witnesses were excused for the day, and the proceedings adjourned until 12 o'clock Wednesday.

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Medical Examiner Wile made a hasty examination of the body and its surroundings and listened to the story of those present and at once telegraphed Coroner Holt, of Bridgeport.

The story told the officers and Medical Examiner Wile by McNiff is that between 11 and 12 Sunday night he was preparing to go to bed. Some one came to his house, which is near the store, and told him that someone was breaking into his place of business. Putting on his clothes he went out into the back yard and in the dark discerned a man going down toward the barn with something in his hand.

Coming closer, he saw that the man had several bottles, and he ordered him to drop them, accompanying the order with a blow on the head. The man dropped like a log.

Others tell stories of swearing and fighting, which are undoubtedly true, as the neighbors were aroused and came out.

Michael Hickey and Pinkey Ryan found McNiff standing over the unconscious, and bleeding form of Burns, and one of them made the remark that it was too bad to leave him there. The three men then picked up the unconscious man and carried, or rather, dragged him up into Mrs. Ryan's room.

Why he was carried here, or what his condition was when he was taken up, is not known, but the parties who assisted in the removal claim that he was alive, and that he died after being taken into the place.

A mark on his hand was evidently made by being stepped on after its owner was on the ground. Below this point the blood had not circulated after the hand was injured. [This would point to death almost immediately.]

That Mrs. Ryan knows more about the matter than she is willing to tell is undoubted, as she is now known to have told some half dozen entirely different stories. At one time she was asleep and knew nothing of the matter until the man was found dead. This is absolute-

ly true. The police have also been kept busy summoning witnesses for the inquest.

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Sergeant Keating assembled the witnesses in the police office below, and as they were wanted they were brought up into the room above.

The first person sworn was Edward Jennings, a laborer, living on Turner street. He was not acquainted with Burns, but knew him by sight. He was about the place last Sunday night, between 11 and 12 o'clock.

While there he heard some one talking and rattling bottles as if carrying a case of them. He heard some one say, "Don't." He went around the corner of the building and found McNiff fixing a window which was open.

A pane of glass was broken from the window. He saw no one besides McNiff. Saw some newspapers and empty glasses pulled out of the window. He asked McNiff the trouble, and received the reply that some one had been breaking into his store.

He accompanied McNiff down to where the latter said the burglar was, which was down towards the sheds. He saw a man lying on the ground. He recognized him as Burns. There were two cases of empty beer bottles lying beside Burns.

He and McNiff took the bottles and put them in the barn. McNiff took a half-pint of whiskey from Burns' outside coat pocket, claiming it was his (McNiff's) property. As near as he could ascertain the man on the ground was stupidly drunk. He was breathing naturally.

McNiff took him by the collar and told him to get up. The man did not answer. The man did not move while they were there. He and McNiff went back to the store to see what had been stolen. He did not find that anything was missing. When they went back they found that the man had moved two and a half yards towards the shed.

McNiff told him (Burns) to get up and go home. Burns made no reply. McNiff said nothing about any fight. Two more men came around then. They were Ryan and Hickey.

McNiff told them to take Burns up stairs to Mrs. Ryan's place. The man was breathing when they carried him up there. McNiff and Jennings did not go up. The former held the light at the bottom of the stairs. They then went through the store.

It had trickled down from a cut above. There were also marks on the right hand which was much swollen. It had the appearance of having been stepped on. I made an examination of the premises and vicinity. From the spot where he had fallen, to Mrs. Ryan's door were two parallel marks or grooves as if the man had been half carried and half dragged, his feet trailing behind him. I found no signs of any struggle having taken place. I made a post-mortem on the body to-day. The direct cause of death was a hemorrhage into the brain. This hemorrhage was very extensive. The clots of blood and fresh blood about the brain we estimate at fully half a pint. It was a very large hemorrhage and one rarely seen. The blood was all at the base of the brain. From the nature of the marks, I am positive that they indicate violence. There was a spot in his forehead near the medium line, in the centre of which was a penetration reaching clear through the skull. Such a wound could have been made had he been struck with a piece of stick from which projected a nail. It could not have been done by a blow from a fist, unless the person who dealt it wore a ring with a sharp pointed setting. This penetration was not, however, fatal.

There must have been several blows struck, in fact one for each contusion. There were three distinct contusions on the head alone, and three clots of blood under the scalp. Death would be much more likely to result from such blows, in the case of a man broken down from the excessive use of intoxicants than in the case of a perfectly healthy man. The hemorrhage was caused by a concussion of the brain. I never attend an autopsy that brought forth clearer or better results as to the cause of death.

I saw McNiff, the prisoner, in the station house, and was present when he made his statement. He seemed to feel very much distressed over the affair, and told a story to the effect that he was about to retire, Sunday night, when some one came to his house and informed him that his store had been broken into. He dressed immediately, and went down to Turner street. He saw a man going down through the yard with bottles in his hand, and ordered him to drop them. At the same time he hit him a blow, and the man fell. He said he struck him with his fist.

In the autopsy we found that all of the contusions on the body had evidently been made at the same time and in the same manner. There was no doubt that a blow from McNiff's fist could have caused a concussion of the brain.

Francis Riley, of Foster street, a companion of Burns, was put under oath and told a story similar to this: "I was sitting on a stoop near McNiff's store with Burns and Tommy Ryan, about quarter of eleven, Sunday night. Ryan went away shortly after that. About five minutes after that I left and went down to Murphy's on the same street. Burns remained on the stoop. I came back in about fifteen or twenty minutes, but Burns had gone. Burns was sober when I left him. When I came back this time I saw McNiff down by his store with a light in his hand.

Riley's testimony was somewhat contradictory here and as will be seen in the testimony of other witnesses he did not tell all he knew, or fully describe his whereabouts after leaving Burns. He made one remark to the effect that someone had said that there was trouble down the street. This was while he was

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#### Bail for McNiff.

John McNiff has remained in the police station since Monday morning. He is allowed the freedom of one of the corridors and is almost constantly talking to friends standing on the outside of the bars.

His counselor, Howard B. Scott, made an effort last night to have the prisoner admitted to bail, but did not succeed. McNiff is not yet under the control of the borough court, but is simply held to await the result of the coroner's inquest.

Judge Hough refused to interfere in the matter and McNiff will probably find it necessary to make himself as comfortable as possible in his present quarters until Coroner Holt renders his decision.

#### LATER.

At a preliminary hearing before Judge Hough this noon, McNiff was granted release until to-morrow morning under a bond of \$5,000. As we go to press an effort is being made to find a bond-man.

#### At Burns' Home.

The unfortunate young man, Francis Burns, who met a tragical fate in a yard in Turner street Sunday night, lay in his coffin in his father's home, at 67 Grand street, last night.

The second medical examination of the remains had been made, the undertaker's last work was done, and the victim of a brutal assault lay quietly asleep. There was no expression of suffering in the face. Only the bruise on the forehead and a discolored eyelid were the traces left by death, which were to be seen by those who looked down upon the dead face.

William H. Burns, the father of Francis, is a hatter. He has four children besides Francis. They have a substantial home at 67 Grand street.

A large number of friends of the family assembled at the house last night to express their sympathy.

At 9:30 this morning the funeral services were held at St. Peter's church.

electing one of the members of the Medical society.

A new location for the Derby meeting of the Housatonic League.

It has been a series of entertainments at the Housatonic League from to-night.

Misses Fayer and Schaefer are to be entertained at a certain place.

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