

A BRIEF ACCOUNT

OF

THE MURDER OF MARCUS LYON

ALSO

THE PARTICULARS OF THE DETECTION OF THE MURDERS

&

THE LAST DYING WORDS OF THE UNHAPPY SUFFERERS

&

AN ELERGY ON THE EXECUTION COMPOSED SOON AFTER



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A BRIEF ACCOUNT, &C.

Many and various are the reports circulating respecting the *horrid murder* committed of late in Wilbraham, in the County of Hampshire and Commonwealth of Massachusetts. Much passes for current truth, which has not even the shadow thereof, as it respects the circumstances of this mournful event. The report of so cruel and daring a deed, deeply affects the soul of everyone that hears the sound thereof; and the enquiry is, who will state the facts correct? Many undoubtedly attempt the thing, who have only heard a misrepresentative thereof themselves; and thus things are set forth entirely wrong, with such a degree of pathos, as to give error a ready passport.

I have undertaken therefore, to narrate simple facts, some of which I was eyewitness to myself and know the truth thereof without hearsay – other information I have taken particular pains to collect from such sources as may be relied upon. A scene of such importance, and so tragic, deserves the attention of some one, at least to lay the matter before the public, from such authorities that the truth may be known and relied upon. I therefore think it is a duty I owe to my fellow citizens to afford them the following statement, being persuaded that where the least stream of information has swiftly flown, the mind is insatiate until it knows the whole of the dreadful account. So interesting – I now proceed, but language fails me! Words cannot paint this woeful tragedy.

Saturday, November 9, 1805, about the middle of the afternoon, John Bliss of Wilbraham, living on the mountain in North Parish, about a half mile south of the Turnpike County Road, was informed by a neighbor that a horse of his, as was supposed, was at large in his mowing lot, with a saddle and bridle on. Bliss said *No*, but upon looking he saw a horse but it was not of his; a boy was sent to bring it to the house, where it was tied; the owner unknown. The saddle was partly turned, which was a good one, having on good saddlebags, and a well-made valise, corresponding with the horse, which was of more than common appearance. Nothing of *Murder* and *Robbery* was suspected. The horse was some supposed to belong to Dr. _____, who was then in the neighborhood – it being his practice usual to leave his horse untied, to feed, while he called to see his friend or patient, and consequently strayed. Some attention was paid to give notice, but no owner appeared and at night the horse was turned out.

Information at length was received that the above horse was known to have been rid by a stranger to the eastward on Boston Road, but about two hours before he was first discovered in the lot of *John Bliss*. Suspicion now began to arise that the horse was stolen, and the rogue had abandoned it to make his escape; but this suspicion appeared not altogether consistent; and on Sunday, the next day, some time in the afternoon, it was proposed to examine the saddle-bags, etc. if possible to get something that might lead to discovery of the truth, and upon so doing some plain articles of apparel, a pair of shoes, etc. were found, together with more than a half a score of letters, directed to

Gentlemen in Monson, Palmer, Woodstock in Con. Etc. – favored by Marcus Lyon. It was thought proper to open one of the letters, and it was found to be dated at Cazenovia, in the state of New York, November 4, 1805. The people were now satisfied the Marcus Lyon was the man who rode the horse, which was found, from the state of New York and had most probably suffered a most violent death for his money, at mid-day, November 9, not far from against where the horse was found, on the great road, under the mountain, on the bank of the Chicopee river. Search was made on Sunday towards night, on the shore of the river, in the adjoining wood, and such places as were thought likely to conceal the remains of the unfortunate sufferer, but no discovery was made of anything. All things appeared as usual, though, almost unaccountable to relate, some gentlemen passed by daylight, within a few feet of where the body was then laying, and was afterwards found.

About this time a lad of about thirteen years of age, son of a Mr. Fuller, communicates a very important circumstance, which he saw Saturday the day before, a little after noon he supposed, the day being cloudy. Which was, that he at that time was driving some swine to shack on the mountain, and saw two men (one of which he unhesitatingly recognized after their arrest) leading a horse from within a few rods of the place it was now supposed the savage deed was perpetrated, and within a but few feet of where a hat, supposed to be Marcus Lyon's, was afterwards found under a bridge for a small stream, to cross the turnpike road. The men he supposed he saw before they discovered him – they appeared to be engaged in low, hasty conversation; but immediately one stepped up behind the horse and touch it up with a bludgeon, while the other held the bridle. They quickly passed from the main road into the road that leads to where the horse was found, crossing some yards of the point of the gore between the roads, hastening with a quick step up the mountain. The boy conceived their conduct to be quite singular, and curiosity led him to follow up the hill a number of rods; the men then halted and passed a few low words together, looking at him; one of them then mounted the horse and rode full speed up the mountain and out of sight, while the other tarried behind, leaning against a stone wall, beside the road, closely eyeing the lad. The boy passed the wall to an apple tree – took some apples and then went home, eyed by the stranger until he was out of sight. This lad saw two men on foot passing from the eastward towards this place about fifteen minutes before, and about thirty rods from where he first saw the men with the horse.

The horse that was taken up, the boy knew to be the same he saw rode up the mountain; the saddlebags and valise he likewise remembered to have seen on the horse at the time. Neither of the men the boy saw bore the description of the man that was seen riding this well-known horse but one quarter of a mile west from where the two men were first seen leading it, out, back upon another road that would, if followed, lead to the same road that the man was first seen traveling on, it being part of the former Boston Road. Now murder and robbery is the sanguine belief of all acquainted with these

circumstances. By this time, it was evening and dark; but to make further search was the general voice of those present, which was prosecuted by the help of torches, but to no purpose. Nothing could be found according to the suspicion.

It was thought best to send a messenger to Springfield to have the matter duly advertised and recognized by the civil authority. The people pretty generally dispersed, concluding to omit further researches until morning. But another alarming circumstance coming to light, made several desirous to look once more by help of torches and lanterns. The thing alluded to was this. A young man, passing on Sunday, had picked up a guard of a pistol broken off and a pistol ramrod a few rods west of where the two men were first seen with the horse. Accordingly, it was proposed to make a thorough search thereabouts, in the bushes, and in the river; being almost fully persuaded of finding the remains of a man not far from the place where the parts of the pistol were found, as it would be very difficult to make a lengthy conveyance where travelers were perpetually passing, without immediate detection. Between the hours of eight and nine the same night, several gentlemen, with lights, went to the place where the broken parts of the pistol were said to be found; the bushes were again examined to no purpose; then the shore of the river was attended to, but where it was first viewed was a little above where it was thought most likely the murder was committed and the water was very shoal, not sufficient to cover the corpse of a man. It was then proposed to go downstream a few rods, where the shore is bowl and sometimes a bathing place.

Accordingly, Messrs M.K. Bartlett and P. Bliss, went to a spot which was a few feet lower down the river than the place directly against where the pistol guard and ramrod were found. By the light of torches, Mr. Bartlett saw something in the water that caught his eye, and while he was looking, before he had time to conclude and speak, Mr. Bliss picked up a pistol close to Mr. Bartlett's feet, which was broken, with blood and hair on it, and said, *the man is not far from here*, and the object of Mr. Bartlett's attention was soon known to be the body of a man. The alarm was instantly given and those that were out on search, soon drew nigh, they saw the body, lying on its face, with the feet out from the shore, and the head close to the land, in depth of water but a few inches more than sufficient to cover it, the great coat on the body was gathered in a careless fold, and laid on the back side of the head, with a stone placed thereon, partly out of water. There was appearance of a body being drawn from the road to this place through mud, grass, etc.

After proper deliberation it was thought expedient to move the body from the water, to some convenient place without much delay, it appearing more proper than to let it remain in its shocking situation till the Coroner's Inquest should be had, which could not be until some time the next day. Accordingly, a wagon was procured for the purpose and for presence of sufficient evidence, the mangled remains of a fellow citizen, were, with horror of soul, lifted from the watery element and conveyed to the stage house, occupied by Mr. Asa Caulkins.

There were two large wounds on the forehead and the back of the head was bruised and broken in a horrible manner, and it was afterwards discovered that there was a shot in the right side, the ball not passing to any great depth, it being prevented by hitting a rib, and was found loose in the clothes. There was no other discovery of violence; and all was so quickly done that most likely the last struggle of life was under water.

The messenger departed for Springfield with speed, and after proper arrangements, the murderers were effectually pursued.

Marcus Lyon was found to be a native of Woodstock in Connecticut, and the messenger was dispatched with the mournful news to his friends. His father was some time since dead; he had a mother and a respectable father-in-law, a brother and sisters. He was unmarried, in the twenty-third year of his age, very much beloved, and was accepted as a real pious character. The scene that opened on the arrival of the news of his untimely end cannot be described, human nature is overcome, and sullen grief preys on the tenderest heartstrings. He had been absent from his friends through the summer, to work at Cazenovia, and was from November 4th, returning to gladden their hearts, and when he was expected soon to salute them, he was slain by the way. It has since been concluded that he had but a small sum of money with him, which the greedy ruffians possessed themselves of. Poor reward for the horrors of conscience that corrode the guilty!

A Jury was called in the morning on Monday. The body was examined and decently laid out; the evidence collected, and the verdict agreed on and brought in, which was WILFULL MURDER.

The remains of Mr. Lyon on Tuesday were conveyed to the place of his nativity in Woodstock where the funeral rites of a Christian burial were attended by as large a collection of people as ever was known to follow the remains of a friend to the grave in any interior part of New England. It is far beyond my panegyric to paint the solemnity of the occasion. The address of the speaker, the Rev. A. Ledoit was truly pathetic, the very soul of the audience was moved to mourning, a sympathetic spirit prevailed and the afflicted relatives were not left to weep alone.

On Wednesday, a gentleman viewing the place where it is supposed the murder was perpetrated, discovered in the bushes at a little distance, a second pistol much in the situation of the former one, which appeared to be a mate of the first.

The men that were pursued were from Boston. Thence they started for New York; they lodged in Western (Warren) on the night of the ninth of November and there conducted in a singular manner.

On the forenoon of the next day, they called on a store in Palmer near the meeting house and took some spirits in a canister; about two miles from this towards Wilbraham they were seen to come out of a wood, with bludgeons, which to appearances, they had newly taken. They soon called at a tavern and drank. They were observed by numbers as they passed from thence onward;

and within a little distance from the fatal spot, they met a gentleman of the neighborhood and made sundry enquiries such as the distance of the way to Springfield, the nature of the road, etc. The next of their being seen, was by the boy, or within a few minutes, by the unsuspecting Mr. Lyon, whom they instantly dispatched. It appears most probably they fired on him, and then beat him to death with the pistols, leaving him in the water as related. The first of their being seen after this was by L. Fuller, the lad as above, with the horse, which beyond all doubt, they turned into the lot of J. Bliss. This lad that followed the ruffians we conceive, was in eminent danger of being so dealt with by him that sat on the wall, while the other rode up the mountain, so to forever foreclose his testimony; and most likely the thing which through divine providence saved his life, was his appearing not to know or mistrust any villainy.

The men were seen, a while after, within about a quarter mile of the horrid place, to pass with uncommon speed, on their way.

They were seen at several places, on the road to Springfield traveling in great haste, and when they came into Springfield town, they appeared in a high degree of perspiration. They then directed their course to the lower ferry, and were in uncommon uneasiness to expedite their passage.

They traveled in company with a gentleman who crossed the river with them, some way toward Suffield. They arrived at a tavern in the upper part of Suffield early in the evening, tallied for some hasty refreshment, and again were soon on their way. They pushed on to Pickett's Tavern in Windsor, where they called for entertainment; and here their behavior was observed to be peculiar. While their supper was preparing, they were aside from the light, sometimes in a dark room and sometimes walking out the door. They settled their reckoning over night under pretense of starting early in the morning. Accordingly, on Sunday they were in Hartford and took breakfast without much delay and bent their purpose with speed. They were heard of frequently on the road traveling with much expedition and on Tuesday morning they were in Greenwich and at CosCob harbor, thirty miles from New York by water to sail shortly. While they were here, the pursuers came up.

It appears they had no mistrust of being pursued before they were apprehended and when they were taken they made no kind of resistance but professed innocence and willingness to be searched and brought back to this state for trial. They had with them the canister before mentioned and a few cut shot, and somewhat less than twenty-two dollars, together with a few articles of little worth.

There was found in the inner side of their great coats, to each one a slightly pocket, proper for carrying such pistols as were found near the body of Mr. Lyon.

Their names were DOMINIC DALY and JAMES HALLIGAN, both Irishmen of foreign birth.

Halligan lived in Hartford and was a young man of great report there. He had a part of former wages due him from the gentlemen with whom he had

lived, and on his being interrogated why he called not for his pay, as he passed through town to New York, the money being ready for him, he made a frivolous excuse and shifted the subject. His fall is quite unexpected, his honesty and integrity was unblemished but now for murder and robbery behold he dies.

Daly was of riper years and appeared like a subtle man. He had been but a short time in this country and had a wife and other kindred in the eastern part of this state.

They had left Boston one week previous to their arrest, and pursued the direct road from thence to where they were apprehended. They were from Tuesday to Saturday on their way from Boston to Wilbraham, which is the distance of about 80 miles, which makes their rate of travel less than 20 miles per day, and from the afternoon of Saturday to the forenoon of Tuesday, when they were taken, they traveled from Wilbraham to Greenwich, a distance of nearly 130 miles, which made their rate of journeying nearly 50 miles per day – quite an essential difference in their travel, which is natural to suppose was prompted by guilt and fear.

They were conducted back to Springfield and on Friday witnesses were examined in the Town House of that place, while the prisoners were ordered to be committed for trial before a session of court competent therefore.

April 24, 1806 – In the morning the important TRIAL commenced in the meetinghouse in Northampton, which was insufficient to hold the crowd collected from various quarters on the interesting occasion.

The Hon. Judges SEDGWITCH and SEWALL composed the court with the other characters adequate to the cause.

In its order, again the witnesses were examined. The substance of their testimony systemically arranged is this:

1. Marcus Lyon left Cazenovia in the state of New York on the fourth of November 1805 in good health for his native place in Woodstock, Connecticut.
2. He died on the ninth of November in WILBRAHAM.
3. He was MURDERED by violence done him by a pair of horse pistols and put into the Chicopee River where his body was found.
4. DOMINIC DALY and JAMES HALLIGAN were so traveling on the day of Lyon's death as naturally to meet him at the time and place of his fall.
5. DOMINIC DALY, with a comrade of his, were discovered nigh the body of the deceased with the well known horse of MARCUS LYON evidently on the hour of his DEATH.

There was no evidence of the part of the witnesses to counteract the Forgoing testimony of the Government.

It is true their attorney F. BLAKE, Esq. Of Worcester made a lengthy, learned and elegant Plea in their behalf. It was acceded to by him that MARCUS LYON was Murdered, but not on the Ninth of November. It was granted that Daly and Halligan journeyed according to evidence without seeing Lyon. It was

argued that it was next to impossible for the prisoners to walk about forty rods and complete the murder in fifteen minutes, in which time it must be done, admitting the evidence of the lad, L. Fuller. (Though by the way it is natural to suppose it was executed in that time or less) It was not denied that if the evidence of the lad was good, the prisoners must be condemned, therefore the testimony of the boy relating to the fifteen minutes from the time two men were seen by him within thirty rods of the murder till when he saw the men with the horse, was introduced to invalidate his evidence. Much was said about the boy knowing Daly only by the features of his face, as though it was impossible he should truly recognize the prisoner in this manner. Much time was taken up to create reasonable doubts in the minds of the jury concerning this witness; concluding if this could be accomplished, the evidence would be spoiled and the cause obtained in favor of the defendants. Likewise words were multiplied to disparage the circumstances that should appear to support the testimony of this witness and establish its validity. On all points it appeared that so much was said as could be argued from the nature of things, and the prisoners surely had ardent attention paid to their cause, being afforded counsel composed of able Law characters.

The concluding Plea was made by the ATTORNEY GENERAL, which was so calculated, as to meet in full, with irresistible force, the arguments raised by counsel for the prisoners at the bar. It was plead upon evidence in behalf of Government that Marcus Lyon was murdered on the ninth of November 1805 in Wilbraham, as related above. And that the prisoners at the bar were the murderers; which was supported from the testimony of L. Fuller, in connection with the many other consistent and agreeing circumstances. He proceeded to show what a degree of presumption, more or less, is in all evidence; that the most positive testimony can only be admitted by presuming the witness testifies truth; which no jury can certainly know without an Omniscient eye to penetrate the heart of him that swears. Arguing that this kind of presumption, which must be attended with a measure of uncertainty or doubt, is not unreasonable, and that the doubt in this cause, cannot exceed in magnitude doubts that must arise in the clearest evidence; therefore the testimony must be considered as sufficient for conviction.

It appeared from testimony the lad had a rational and correct understanding of things in his giving his testimony at the several examinations, each time alike, save with the addition of one clause, the last time, which he would have stated at other times, had he thought it to the purpose, or had been inquired of, on the subject. This addition of testimony was, his seeing two men within thirty rods of the murder, about fifteen minutes before he saw the men as aforesaid conveying the horse astride. Though much was said on this circumstance, yet it was trivial in consequence, for the boy did not testify the two men in his last evidence were the men he saw with the horse.

These things were carefully attended to in ESQR SULLIVAN'S Plea. The testimony of the youth was clearly established and other evidences were brought

on in unison with this which formed such a connected chain as could not be passed.

The Plea for Government was plead with forcibility; and so directly to the purpose as to leave the cause in the clearest point of view.

The Hon. Judges in their charge to the Jury appeared to take them by their understanding and lead them to the clearest view of their painful duty, carefully stating all necessary points for their consideration.

The cause was submitted to the Jury by the Court, between the hours of 10 and 11, in the evening, when the Court adjourned for an hour. And, the Jury being fully agreed, with little delay, they delivered their verdict, GUILTY.

The scene that opened was truly distressing to the feeling mind; there being present the Wife, Mother, and Brother of the wretched Daly, who was frantic with grief.

What joy would it afford to the humane to restore their friends to them and remove their grief, but the excellent laws of our land demand the lives of these poor Men.

S E N T E N C E .

The Attorney General moved in behalf of the Commonwealth, that sentence of death be pronounced against Dominic Daly, and James Halligan, the prisoners at the bar. The Hon. Sedgwick, the presiding Justice, then rose, and after stating in a solemn, impressive and affecting manner, the nature and enormity of their crime, said –

You Dominic Daly and James Halligan, have been favored with Counsel of your own choice, and a full jury of your own challenging, and are awarded **G U I L T Y !** Therefore, I have the painful task to inform you, that for the murder of Marcus Lyon, according to the laws of our land, you must **D I E**. You are to be remanded back to prison, there to remain till the time appointed; thence to be conducted to the place of execution, then to be Hanged by the neck, until you are **DEAD**, and then, your bodies to be **ANATOMIZED!**

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The Governor and Council appointed Thursday, the 5th of June, 1806, for the execution of these unhappy men, when, in the presence of perhaps 10000 people, they were launched into eternity, at Northampton, testifying their innocence!!!

THE
LAST DYING WORDS OF DOMINIC DALY AND
JAMES HALLIGAN, *Pronounced by Daly at the gal-*
lows and delivered by him in writing to General Mattoon

June 5, 1806

At this awful moment of appearing before the tribunal of the ALMIGHTY and knowing that telling a falsehood would be eternal perdition to our poor souls,

We solemnly declare we are perfectly Innocent of the Crime for which we suffer, or any other Murder or Robbery; never saw, to our knowledge, Marcus Lyon in our lives; and as unaccountable as it may appear, the boy never saw one of us, looking at him, at, or near, a fence; or any of us either leading, driving, or riding a Horse; and we never went off the high road. We blame no one; we forgive everyone; we submit to our fate as being the will of the almighty; and beg him to be merciful to us, through the merits of his divine Son, our blessed Savior Jesus Christ.

Our sincere thanks to the Rev. John Cheverus for his long and kind attention to us, as likewise every other friend that served us and comforted us during our long confinement.

Dominic Daly

James Halligan

