

Commonwealth of Massachusetts

Hampshire. At the Supreme Judicial Court begun and holden at Northampton within and for the County of Hampshire on the third Tuesday of September in the year of our Lord one thousand eight hundred and five, and thence adjourned, and now, according, to said adjournment, holden at said Northampton within and for said County of Hampshire on the first Tuesday of December in the year of our Lord one thousand eight hundred and five -

The Jurors for the Commonwealth of Massachusetts do on their oath present, That Dominick Daley late resident in Boston in the County of Suffolk Labourer and James Hallesan late resident in Boston in the County of Suffolk Labourer, not having the fear of God before their eyes, but being moved and reduced by the instigation of the devil, on the ninth day of November in the year of our Lord one thousand eight hundred and five, with force and arms, at Wilbraham in the said County of Hampshire, in and upon one Marcus Lyon in the peace of God and of the said Commonwealth then and there being, feloniously, wilfully and of their malice aforethought, did make an assault, and that the said Dominick Daley with a certain pistol of the value of one Dollar, which he the said Dominick Daley in his right hand then and there had and held, him the said Marcus Lyon, in and upon the head of him the said Marcus Lyon then and there feloniously, wilfully and of his malice aforethought, divers times did strike and beat, giving to him the said Marcus Lyon, by the striking and beating of him the said Marcus Lyon with the pistol aforesaid, in and upon the head of him the said Marcus Lyon, divers mortal bruises, and in and upon the back side of the head of him the said Marcus Lyon, one mortal wound of the depth of two inches, and of the breadth of three inches, of which mortal bruises and wound, he the said Marcus Lyon then and there instantly died; and that the said James Hallesan, at the time of committing the felony and murder aforesaid, by the said Dominick Daley

in manner and form aforesaid, feloniously, wilfully
and of his malice aforethought, was present aiding, helping,
abetting, assisting, comforting and maintaining the said
Dominick Daley, the felony and murder aforesaid, in
manner and form aforesaid, to do, commit and perpetrate,

and so the Jurors aforesaid, upon their oath aforesaid, do say, that the said Dominick Daley and James Halligan him the said Marcus Lyon, then and there, in manner and form aforesaid, feloniously, wilfully and of their malice aforesaid, did kill and murder, against the peace and Dignity of the said Commonwealth and their Law in such case made and provided -

and the Jurors aforesaid in their oath aforesaid do further present, that the said Dominick Daley & James Halligan, not having the fear of God before their eyes, but being moved and reduced by the instigation of the devil, on the said ninth day of November in the year of our Lord one thousand eight hundred and five, with force and arms, at Wilbraham in said County of Hampshire, in and upon one Marcus Lyon, in the peace of God and of the said Commonwealth then and there being, feloniously wilfully and of their malice aforesaid, did make an assault, and ^{that he} the said Dominick Daley, with a certain pistol of the value of one dollar, which he the said Dominick Daley in his right hand then and there had and held; him the said Marcus Lyon, then and there feloniously, wilfully, and of ~~the~~ his malice aforesaid, divers times did strike and beat, giving to him the said Marcus Lyon, then and there by striking and beating of him the said Marcus Lyon as last aforesaid, with the pistol last aforesaid, in and upon the back side of the head of him the said Marcus Lyon, one mortal wound, of the depth of two inches and of the breadth of three inches; and that the said Dominick Daley then and there feloniously, wilfully and of his malice aforesaid, did cast, throw and put him the said Marcus Lyon into a certain river called and known by the name of Chippee river then situate, wherein there was a great quantity of water; as well of which said striking and beating of him the said Marcus Lyon, in and upon the back side of the head of him the said Marcus Lyon, with the pistol last aforesaid, as also of the casting, throwing, and putting him the said Marcus Lyon, into the water aforesaid, he the said Marcus Lyon then and there instantly

died - and that the said James Halligan, at the time
of committing the felony and murder last aforesaid,
by the said Dominick Daley in manner and form
last aforesaid, feloniously, wilfully and of his
malice aforesaid, was present, aiding, helping

