

The Daily Herald.

VOL XIII.

FREDERICTON; N. B., SATURDAY, JANUARY 11, 1900

NO. 9

E. A. O'Brien & Co.

During the past few days we have sold large quantities of

Fancy Flannelettes

AT 10 CENTS PER YARD

We have decided to clear the entire lot out this week and have added a number of extra good qualities and patterns

ALL AT 10 CENTS PER YARD

Regular price of the last lot was 20 cents per yard

Our January White Wear Sale Begins Next Week

E. A. O'BRIEN & CO

SACHET POWDER

The Largest Variety in the City. From all the Best Manufacturers

Perfumes in Bulk

Made by HUDNUT, PIVIER, ROGER GALLETT, STERNS GUERLDINE

50 CENTS TO \$1.00 PER OUNCE

GEO. Y. DIBBLEE

PEOPLES' DRUGGIST.

OPP. CITY HALL

*Chestnut
says*

"In treating a cold promptness is of great importance. Get the drop on your cold by taking Imperial Cold Cure Tablets at the very first sneeze. They quickly cure any cold. 25 cents."

"THE QUALITY STORE." 572 QUEEN STREET

SWASTIKA PINS

NEW LOT JUST OPENED AT

F. E. BLACKMER

Opposite Normal School

MILLINERY

A Full Assortment of Trimmed and Untrimmed Hats in all the latest Canadian and American Styles at lowest prices. Special Reductions in Trimmed Hats.

Miss M. E. Flanagan

COULTHARD BUILDING - - CARLETON STREET

A HUMAN LIFE IS AT STAKE

NEARING ITS CLOSE

David Murder Trial will End either this Evening or Monday

Dr. Anglin Testified Strongly in Support of Insanity Plea—Counsel Addressing the Jury

(For Additional Evidence see Page 2)

The trial of Thomas David, charged with the gravest crime known to the law, will be brought to a close either late this evening or on Monday next. The case has been going on since Tuesday morning before Judge McLeod at the Circuit court, and has attracted a great deal of interest. At one o'clock today the taking of evidence was completed, and counsel are addressing the jury this afternoon.

Dr. Anglin was on the stand for the defence the greater part of this morning and gave evidence in support of the insanity plea set up by the prisoner's counsel. Several witnesses were called by the crown to rebut testimony offered by the defence.

His Honor intimated before adjournment that as the counsel were likely to take up all the afternoon, he would probably defer his charge to the jury until Monday morning. This means that the jurors are in a fair way to spend Sunday at the Queen hotel.

David's two youngest children were taken into court this afternoon. The youngest is only eighteen months old, and the other about three years.

DR. ANGLIN.

of the Provincial hospital, resumed his evidence at the opening of the Circuit court this morning. From the evidence at hand in regard to the father of the prisoner he would say that he was insane. An epileptic would be more likely in a heat of passion to commit an act of violence than a person with no predisposition to insanity. Having heard David's evidence, the witness was asked what he thought of David's condition at McAdam. He replied that he thought he was in a temporary frenzy of an insane character.

Mr. Hazen complained of the noise made by the people constantly opening the door of the court room, and was told by the Judge that there was no way of preventing it.

Another hypothetical question in regard to the prisoner's mental condition at the time of the shooting, as to whether what his wife said to David was a sufficient exciting cause to produce insanity, was ruled out by the Judge.

The witness said that attacks of transitory mania might last a few days or only a short time. It was possible for a man after an attack of this kind passed off, to have no recollection of his actions during the attack. From his own experience a man might commit a certain act while suffering from transitory mania without being aware of what he was doing. His condition might be somewhat akin to that of a somnambulist or sleep walker. A person committing an act of violence when taken suddenly insane, would be apt to direct that act against the person responsible for his trouble, did that person happen to be close by. A person might appear rational after such an attack, without having any recollection of what had occurred.

Mr. Hazen at this stage quoted from several expert authorities on mental diseases, such as epileptic insanity, and secured an indorsement by the witness of the opinions expressed. His object was to show that David was in a condition of unsound mind at McAdam that made him totally unconscious of his acts, and irresponsible.

A hypothetical question by Mr. Hazen as to what the witness thought of the mental condition of the prisoner at McAdam Junction on the day of the shooting was objected to by the Solicitor General, and ruled out by the Judge, who quoted from a judicial decision in support of his action.

Mr. Hazen was persistent, and after arguing the point at some length, was able to get in the question in a somewhat modified form.

The doctor replied that temporary insanity might be brought on by intense anger coupled with disappointment and jealousy, and a person in that state might commit an act without remembering about it afterwards.

To the Judge the witness said there would be nothing in the act itself to prove it was an insane act; they would have to depend on the man's statement that he had no recollection of what had occurred.

there would be nothing in the act itself specially characteristic of insanity. The fact that a person could talk about the act shortly afterwards, and attempt to justify it, might mean that he was conscious at the time though insane.

Cases of transitory mania, in which there is no epilepsy or not connected with child birth are very rare. Most of the cases of transitory mania read about in books, are those used by the defence in criminal prosecutions. The marks on the prisoner's head corroborates the statement of witnesses that the prisoner was treated for epilepsy while in Syria. The usual form of an epileptic attack is convulsions. A more uncommon form is loss of consciousness, which comes on quite suddenly. An epileptic would be more apt to commit an irritable act than an ordinary man. He would act quickly and impulsively upon provocation.

In witness' opinion, the statement made by the prisoner in Woodstock about a 32 would not indicate transitory mania. He thought it was serious mental trouble the prisoner suffered from when in Lowell, but he could not diagnose it from the evidence. One half of the people who are epileptics eventually become insane. He would say that the prisoner was a man of average intelligence considering his standing; the other witnesses of his class were superior to him in physical appearance.

Before beginning the cross-examination the Judge informed Mr. Hazen that he would permit him to ask the question he had previously ruled out. The question being repeated, the witness said that David, when he shot his wife was in a state of frenzy, and in witness' opinion was irresponsible for his conduct; in fact he was insane at the time. People in an unconscious state might do things that are apparently rational and afterwards have no recollection as to what they had done.

To the Solicitor General the witness said that leaving the prisoner's story out, and taking the other facts in the evidence there would be grounds for believing that the prisoner was insane at the time, and the history of the man's ancestry, might lead one to suspect its existence.

To Mr. Hazen the witness said if he had not heard the prisoner's statement, he would have suspected hereditary insanity. His was the sort of case in which transitory mania would be likely to occur. Accepting the prisoner's statement as true, he would have no doubt that he was suffering from transitory mania.

To the Judge the witness said that a man of a weak mind would be thrown in a passion more quickly than a man of strong mind. It would not always follow that the man was insane. Neither did it always follow that a man was insane because there was insanity in the family.

At the conclusion of Dr. Anglin's testimony Mr. Hazen announced that the case for the defence was all in.

REBUTTAL EVIDENCE

The Solicitor General announced that it was his intention to call several witnesses in reply to the plea of insanity, set up by the defence.

N. FOSTER THORNE.

was the first witness called to the stand. He remembered being at McAdam on the morning of July 8th. Heard the shots fired, and saw the prisoner in the custody of Policeman Gardiner. Five minutes afterwards. Quite a number of persons were in the room at the time.

To Mr. Hazen the witness said that while he was talking to the prisoner, Policeman Gardiner warned him that any statement he made might be used against him.

Mr. Hazen objected to admitting evidence of a conversation with the prisoner.

The Solicitor General contended that it was his right to offer the evidence to combat the prisoner's plea of insanity.

The Judge said that in view of the fact that the crown was not seeking the evidence with an object of proving a crime, but only to show the state of the prisoner's mind, he would have to admit it.

The witness continuing said that David seemed remarkably cool after the shooting, and his conversation was rational. Witness asked him his name and he answered Tom some-

thing, which sounded like David. He said he lived in Lowell. When I asked why he shot her, he replied, "had woman, ran away with another man." That was the substance of the conversation.

Cross-examined by Mr. Hazen, the witness said that he would swear positively that David used the words "had woman." To the best of witness' judgement the prisoner was cool. He did not talk very good English. Mr. Hazen asked the witness a number of questions, and tried to break down his testimony, but without much success.

POLICEMAN GARDINER

of McAdam, was next recalled. He told about having the prisoner in custody at McAdam on July 8th. He first took him to the baggage room. Mr. Foster Thorne was present at the time. Witness told him that he would not allow conversations with the prisoner. The prisoner did not seem to be excited or put out, and he was no different from an ordinary prisoner. Witness heard the conversation between the prisoner and Mr. Thorne. He heard David tell Thorne that his name was Tom, and the surname was not audible. Witness saw John Powers on the train between McAdam and Fredericton Junction.

Mr. Hazen repeatedly objected to the admission of the testimony, but the Judge said he wanted evidence to show that the prisoner was able to converse intelligently the words he used were of no importance.

Continuing, the witness said the prisoner conversed about the shooting with Powers. Powers asked the prisoner if he was a certain person, and David replied that he was not, and asked Powers what he hit him for. The witness did not tell the prisoner that Powers hit him.

HARRY SULLIVAN.

barber of Woodstock, was next worn. He was a passenger on the train between Woodstock and McAdam on July 8th last. He saw the prisoner on the train and there was a Syrian woman with him.

Mr. Hazen objected to the testimony of the witness on the ground that it had already been gone over and as the witness had not seen the prisoner after the shooting he was stood aside.

DR. ANGLIN

was next recalled, and Mr. Hazen objected to his testimony, but was over-ruled by the Judge. The witness said he heard the evidence of Mr. Thorne and Policeman Gardiner. Asked if the prisoner's statement that his mind was a blank, in view of the conversation he had with Powers and Thorne, the witness said he had no reason to change the opinion he had already given.

To Mr. Hazen witness said that the fact that the prisoner was remarkably cool five minutes after the shooting would suggest an unhealthy mind.

The Solicitor General announced that he had no further testimony to offer.

Mr. Hazen was given permission by the court to recall Dominique Steeves of St. Mary's, whose evidence was shut out yesterday. The witness said he saw Tom David on the 11th of July and had a conversation with him.

The Solicitor General objected to the evidence, and his objection was noted.

The witness continuing said the prisoner told him he did not know what he was in jail for. He was asked if he had shot his wife, and he said he did not know anything about it.

The Solicitor General did not cross examine the witness.

This concluded the evidence, and the court adjourned until 2.30 o'clock. The Judge intimated before adjournment that as the whole afternoon would be taken up by counsel, he would likely defer his charge to the jury until Monday next.

This afternoon Mr. Hazen spoke 1½ hours for the prisoner, closing at 4 o'clock, when the Solicitor General commenced his address for the Crown. Mr. Jones concluded his address at 4.50 and the court adjourned till 6.30 when Judge McLeod will deliver his charge to the jury.

FROZEN TO DEATH

Faithful Dog watched over Body of His Master

INGERSOLL, Ont., Jan. 11.—(Special.)—John Kindness, a young farmer who resided alone near Bennington was found dead in his stable yesterday.

His body was badly frozen and keeping watch over it was Kindness' dog.

No mark of violence could be found on the body.

CALAIS RESIDENT DEAD

CALAIS, Me., January 11.—(Special.)—Missells Silverstone for many years a prominent man in this city, died Friday evening. He retired from business four years ago on account of illness. Mr. Silverstone was born in Germany, in 1834. A widow survives him.

CAPITALS SUSPENDED

M. P. A. A. Takes Action Against Fredericton Hockey Team because Capt. McDonald has not been Reinstated as an Amateur

Word was received here today from Joe Borque Moncton, announcing that entire Capital team of Fredericton had been suspended by M. P. A. A. for having played John D. MacDonald in the recent hockey match with the Crescents. McDonald claims that he received word from the officers and executive of the M. P. A. A. through a telegram just previous to the game, that he had been reinstated after January 1, 1900, and acting under this advice he and the Capitals were willing that he should play.

The executive committee of the Capitals are holding a meeting this afternoon to discuss the matter, and will probably send a delegate to Halifax this evening.

President C. H. Allen of the N.B.L. in discussing the matter this afternoon had nothing to say, but that no official notice of the suspension had been received. The word, he said, came through a member of the Moncton Victorias, by telephone to-day.

The Crescents of Marysville will stand by the Capitals in the matter, and the Moncton Victorias have also sent word that they would try and help them out of the difficulty, and it is understood that the St. John Marathons will side with the Capitals.

LADY'S DEATH

Mrs. J. Billop Hugo Passed Away at New York

Mrs. W. T. H. Fenety received a telegram from New York last evening announcing the death at that place of her sister, Mrs. J. Billop Hugo, formerly of this city. She was twice married, her first husband being Arthur Manger, who was at one time principal of the Grammar school at Kingston, Kings county. Her second husband Mr. Hugo who died ten years ago, was a veteran of the Civil war.

Deceased was a talented elocutionist and took part in many public entertainments before removing to New York. She was a daughter of the late Rev. John Black and is survived by two brothers, John Black, of Dawson, and William Black, of Vancouver, and five sisters, Mrs. M. V. Paddock, St. John, Mrs. M. B. Dickson of Riversdale, Albert County, Mrs. Fenety of Fredericton, and Mrs. B. Rainsford and Mrs. W. H. Robinson, of Ireland.

The remains will be interred in New York.

WANT GOVERNMENT AID

London Canadian Club makes Suggestion to Earl Grey

LOEDON, Ontario, January 11.—(Special.)—The Canadian Club, at a meeting last night, adopted a resolution expressing sympathy with Earl Grey's project for the preservation of the Plains of Abraham as a national Park, but expressed the opinion that the provincial government should provide funds.

Senator Coffey and Major Beattie, M. P., were named as delegates for the Ottawa meeting.

TWO MEN KILLED

Were Buried in an Excavation in the West

PRINCE ALBERT, Sask., Jan. 11.—(Special.)—Matthew Burns and Morris Khein were killed yesterday by a cave-in of gravel in which they were working.

Both men were dead when excavated.

Burns was unmarried and came from Nova Scotia. Khein came here recently from Austria, was married, and leaves two children.

THE STOCK MARKET.

MONTREAL, P. Q., January 11.—(Special.)—The price of stocks was firm today at recent advances but buying was light.

The features were: Detroit 69½; Power 87½; Dominion Steel 16½; Soo 92½; Rio 74; Bell Telephone 150; Canadian Pacific 158½; Shawinigan 70.

LEAP YEAR DANCE.

The weekly Leap Year dance was held at the Masoria Hall last evening. An orchestra of four pieces furnished music and an enjoyable evening was spent.