

DAVID'S TESTIMONY

Prisoner Claims he had a Sort of Brain Storm when he Shot his Wife

Dr. Anglin of the Provincial Hospital Called for Defence

Tom David, who is on trial for his life at the York Circuit court, was on the stand in his own defence for upwards of two hours on Friday. He gave an account of his doings from the time he left Lowell to go to Woodstock to search for his wife, until he was arrested at McAdam Junction, for causing her death. He proved an excellent witness, and seemed to have been well prepared for the ordeal. There was considerable pathos in his story, and it was followed by the large crowd in the court room with the greatest interest. The prisoner was kept on the rack three quarters of an hour under cross examination, and came out of it very well. A lot of other witnesses testified during the afternoon, and when the court rose at six o'clock Dr. Anglin, of the Provincial hospital, the last witness for the defence, was giving testimony.

man hitting him after the shooting. He had not fired the revolver for a year before going to Woodstock. His wife bought her own ticket at Woodstock. Witness bought a ticket for Bangor and did not know what it cost. Neither did he know what had become of the ticket after his arrest. He did not remember any money being returned to him by the police magistrate at Fredericton. Witness slept with Charlie Nicholas at Woodstock. He did not remember while on the train the conductor telling him to keep quiet or leave the car. His wife did not tell him that she would go half way with him, but she said that to Kellia Aboud. He quit peddling when he left Bangor, and left his goods with his cousin. He forgot to leave the revolver with him. He did not sit in the seat with his wife on the way down to McAdam. He did not remember seeing his wife while at McAdam Junction. When he asked his wife on the train what people would think of her leaving her children, she replied that it was nobody's business but her own.

Questioned in regard to his profits as a peddler, the witness said he made from \$8 to \$15 a week. He used to buy the goods himself and give the money to the boss, and the profits to his wife. He never threatened to shoot her. Twice before he brought her home after she ran away, but was not cross at her. He always tried to please his wife when she was at home. He never had any trouble getting her to return with him. He was not mad when he heard his wife was at Woodstock with Nicholas, as he was not sure it was true. He was not mad at Moses' home at Woodstock when his wife and Nicholas absented themselves from the room. He always thought Nicholas was a friend of his, and was not cross at him. He did not believe that his wife was living with Nicholas at Woodstock, until after he got there. He was not cross at them because he wanted his wife back home. It was Andrews who told him that Nicholas and his wife were living together. Witness gave the Solicitor General to understand that he would not tell an untruth in order to save himself. He wanted his wife back to take care of his children. He did not know that McAdam Junction was in Canada.

Re-examined by Mr. Hazen, the prisoner said that his wife had promised at Woodstock to return home with him. He bought a ticket for Bangor, but did not remember how much he paid for it. The reason he bought his ticket for Bangor was he thought he would have to buy two tickets, and not having money enough to get them right through to Lowell. At Bangor he intended to send to his cousin for more money. Had his wife refused to accompany him he would have returned home alone. He never had any thought of shooting his wife from the time he left Bangor.

GEORGE HURSON.

a well dressed and intelligent looking Syrian from Lowell, Mass., who said he was a real estate owner and dry goods dealer, was the next witness. He knew David and had sold him goods for eight or nine years. He was an industrious man. Witness saw David in jail at Fredericton soon after his arrest. He secured \$9 and a railway ticket from him. A ticket was here shown the witness and identified as the one he had procured from David. As a rule Syrian peddlars had more than \$100 dollars in money and goods and always carried a revolver. David had always carried a revolver. He was an honest man and gave his earnings to his wife.

The Solicitor General did not cross examine the witness.

THOMAS THOMAS.

another Syrian from Lowell was called and sworn. Examined through an interpreter, he said he was a peddler and lived at Lowell. He formerly lived at Manchester, N. H., and knew both David and his wife. David treated his wife well and there was no trouble between them. Another Syrian named Saman used to go to David's house while he was away. He saw Saman on one occasion buying tickets for two at the railway station.

The Judge here took Mr. Hazen to task, for questioning the witness on an immaterial matter.

Mr. Hazen contended that he was

only seeking to corroborate the prisoner's story. He was unable to convince his honour that it was necessary, but he was allowed to continue.

The witness continuing said that Samon and Mrs. David boarded the train and went to Lawrence. The witness afterwards told David of what he had seen, and he fainted away. Witness' wife took care of the children while David allowed the couple to Lawrence. When he returned he said his wife was in jail.

GEORGE GARRETT.

another Syrian was the next witness called. He wanted to testify through an interpreter, but the Judge after questioning him concluded that he was sufficiently conversant with English. He said he was a resident of Lowell but had formerly resided in Grand Rapids, Mich. and while there boarded with David and his wife. He returned from work with David one evening and found Mrs. David missing. Witness did not see her again after that. David remained about two weeks and tried to find his wife, but without success. He then went away taking his child with him.

PHAROS ABDELLAH.

was next called and when asked by the Judge if he understood English he shook his head. He was then sworn and testified through an interpreter. He said he was a peddler and had been living in Portland, Me. The Judge remarked that he thought it strange that a man who didn't understand English should be able to peddle in an English community.

The witness said that he had seen David once in Portland, and had also seen his wife there. The latter was working for a store keeper and told witness that she was a single woman. The witness said that he was a single man.

The witness started in to say that he had proposed to Mrs. David, but the Judge ruled this interesting bit of evidence out. Later on David came to Portland and the woman went away with him. He was afterwards told that Julia was David's wife.

Mr. Hazen had his objection to the Judge's ruling noted by the stenographer.

FRIDAY AFTERNOON.

The examination of the prisoner was resumed by Mr. Hazen Friday afternoon. He said he went to Woodstock from Lewiston, Maine. He did some peddling between Lowell and Lewiston, and enquired about his wife. The revolver taken from him had been in his possession about four years. He had carried a revolver when peddling for eight years past.

The prisoner said that while on the train on the way to McAdam, his wife refused to allow him to occupy the same seat with her. They did not quarrel on the way down, but held a conversation. She gave him to understand that it was none of his business where her ticket was for. When they reached McAdam she laid her satchel down and told witness that he must take his train and go home. When he asked if she was going with him she said he must be crazy, as she was going to return to Woodstock. He told her to leave Nicholas and return to her children, and she replied that his old shoe was worth more than (David's) body. She told him to behave himself or she would have him arrested. From that time until he got to the jail he remembered nothing. The station seemed to go all round and his head was in a whirl. He did not hear the shots nor did he remember conversing with anybody after the shooting. He did not remember talking with Officer Gardiner on the way down on the train.

He had heard Aboud give his evidence. He had never while in Woodstock told Julia that he would shoot her. He told Aboud that he wanted his wife to go back and look after the children. He never told Andrews that "his soul was not sweet, and he would give her a 32, but he did say that he had \$32 in his pocket and would give her that. He talked to Andrews in the Arabian language, which was commonly used by Syrians. His sole purpose in going to Woodstock was to try and induce his wife to go home with him.

The witness did not remember having the counsel in regard to his father's mental condition. His father had frequent attacks of illness, and at such times had to be tied up to a post to prevent him from harming people. His uncle generally remained with his father to watch him when he had those attacks. Witness told he had those attacks. Witness was told that he was subject to fits before leaving Syria. His head was stamped with lead as a cure for this trouble. (Witness here, with the aid of Dr. Anglin, exhibited the stars on his head to the jury.)

The witness did not remember having any fits since coming to this country, but was often told that he tended by Dr. Leary in Lowell, but did not remember how many times. He always treated his wife kindly and provided for her; every dollar he made he gave to her.

Cross-examined by the Solicitor General he said he never gave his wife any money while in Woodstock, because she gave him no chance. He had \$32 while there. He spent part of it for shoes, pants, a hat and his board, and he also bought a railway ticket. He could not remember the exact amount he expended. He bought the box of cartridges about a year ago in New Hampshire. He always carried a box of cartridges in his pocket. He never told Andrews in Woodstock that his soul was not sweet, but he did tell him that he had \$32. He never said anything when Andrews told him that his wife had another man. He did not remember walking around the platform at McAdam with his wife. It was in the waiting room that his wife told him that she would not go to Lowell with him, and intimated that he was crazy. It was after he threatened to have his wife arrested that the brainstorm overtook him. He did not remember telling a man after the shooting that he was an American citizen, nor did he remember telling a man that his wife was a bad woman. He did remember a

MICHAEL CASSUS.

of Biddleford, who was next sworn said that he was a cousin of the prisoner. He also knew Julia and had last seen her in Portland. She was in a store when he saw her. Tom came along a few days later and went to the store with witness and found his wife. She went home with him.

SALIM MANSEM.

called and sworn said he resided at Lewiston, Me. He knew Mrs. David, last saw her some time in May, on the train between Boston and Lewiston. She was in company with a Syrian named Cowlie. He did not hear them say they were going to Woodstock.

DOMINQUE STEVENS.

a Syrian from St. Mary's was next called. He first saw the prisoner in July last, in the jail at Fredericton and had a talk with him. The Solicitor General objected to the witness testifying in regard to a conversation with the prisoner after his arrest.

Mr. Hazen said he wanted to show the condition of the prisoner's mind after his arrest.

The Solicitor General said he proposed to offer evidence in rebuttal to show the state of the prisoner's mind on the day of his arrest. Mr. Hazen's witness saw the prisoner three days after his arrest.

The matter was discussed by counsel and the Judge decided that he would not allow the evidence to be offered at present. Stevens was then stood aside.

MR. J. DOUGLAS BLACK.

newspaper reporter of Fredericton was the next witness called. He remembered the day that David was brought in from McAdam a prisoner. He had a conversation with him on the street in the presence of C. P. R. policeman Gardiner. He said his wife had run away with another man and had gone to Woodstock with him. Asked if he shot his wife he said he was all rattled and did not know what he had done.

The Judge—it was a very improper question for the officer to allow you to put.

To the Solicitor General, the witness said he did not remember the prisoner telling him that his wife told him she was going back to Woodstock with Charlie Nicholas. Neither did he say that his wife told him that she thought more of Nicholas old boot than of his (David's) whole body.

EMMA DARLEY.

a Syrian girl from Caribou, Me., was next called and sworn. She said she was living at John Andrews' home at Woodstock in July last. Julia David and Charlie Nicholas were also living there. She did not know the prisoner, and had never seen him before. She did not remember David's visit to Woodstock in July last, as she had removed to Houlton before he arrived.

Mr. Hazen said this completed his list of witnesses, with the exception of Dr. Anglin.

The Solicitor General said that he intended calling several witnesses in rebuttal.

DR. J. V. ANGLIN.

of St. John, was the next witness. He said he was superintendent of the provincial hospital, and formerly held a similar position in the insane asylum at Montreal. For twenty years he had been engaged in the treatment of the insane in Pennsylvania, Montreal and this province. There were 537 patients in the provincial hospital at St. John. He had been in court since the beginning of the trial and had heard all the evidence. He had also seen the prisoner and had examined his head. He had found bald spots like old scars, but could not tell for certain what had caused them. Branding the head for insanity might have been in vogue one hundred years ago, and might be used today by ignorant people.

The doctor was next questioned in regard to the disease called transitory mania, and proceeded to give a definition of it. He said it was usually associated with epilepsy, but was liable to be found in people with a strong hereditary tendency to insanity. It was a fact that the majority of cases of insanity are of hereditary origin. A predisposition to insanity exists in persons whose ancestors were insane. An attack of transitory mania was most likely to occur from a sudden shock, such as a disturbance of the emotions. Epilepsy may lead to insanity, and often does. Transitory mania is not common but is recognized by the profession as a distinct branch of insanity. A person attacked with the disease would be unconscious of what he was doing. Mr. Hazen was armed with some half a dozen medical works on insanity, and read extracts from them on the subject of transitory mania. The views laid down on transitory mania,

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and the legal responsibility of a person so affected, were generally concurred in by the witness.

When the court adjourned at six o'clock the direct examination of Dr. Anglin was not finished.

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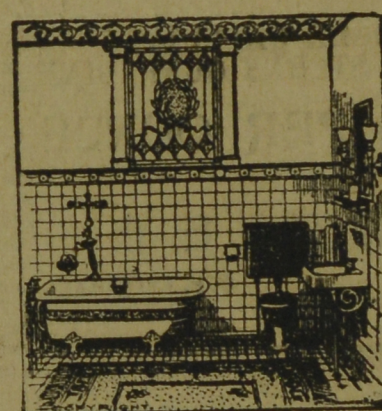
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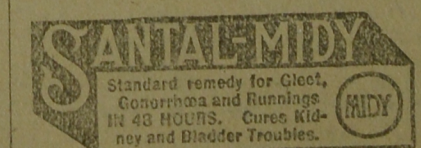
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