

# The Daily Herald.

VOL. XIII.

FREDERICTON, N. B., THURSDAY, JANUARY 9, 1905

NO. 7

## 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

## XMAS 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

## INSANITY THE PLEA

Counsel for David says his Mind was a Blank when he Shot his Wife

Crown Rests its Case, Mr. Hazen Opens for the Prisoner.

Prisoner taken ill in Court which was Adjourned

(For Tuesday's Proceedings See Page 3.)

The case for the crown in the David murder trial was practically closed at twelve o'clock this morning, although the Solicitor General reserved the right to call Dr. Griffin of Woodstock, who came here by the noon train. Drs. Rankine and Grant and James Andrews, a Syrian, all of Woodstock, were the witnesses called for the crown this morning. Andrews, who doesn't have an extensive knowledge of English, proved a tough proposition for the counsel on both sides, but they finally got through with him.

Mr. Hazen, in opening his case practically admitted that David shot his wife, but put forward the plea that he was suffering at the time from acute transitory homicidal mania, a condition of mental trouble, brought on by matrimonial infelicities. He claimed that David's wife had been unfaithful to him, and had furnished sufficient provocation for the shooting. If the prisoner is guilty at all he is guilty of manslaughter and not of murder.

KELIA ABOUD

was recalled and cross-examined by the prisoner's counsel in regard to the conversation he had with David prior to the shooting. David told him that Julia was his wife, and they had been married about nine years. The conversation took place at the home of Abdallah Moses, Charles Nicholas was among those present at the time. The witness here repeated the conversation he had with Mrs. David at the time she told him that she did not like David and was afraid he would shoot her. David told witness that he had come to take his wife home to take care of his children. In the presence of witness Mrs. David agreed to go back with her husband if he did not jaw and sass her. Julia and Charlie Nicholas lived in the same house with Abdallah Moses.

Mr. Hazen started in to question the witness in regard to the movements of Charles Nicholas, but the Solicitor General objected on the ground that the matter was not relevant.

Mr. Hazen replied that he proposed to establish later on that it was relevant.

The Solicitor General said that Mr. Hazen's real object was to attack the character of Mrs. David, and he wanted to protest against this.

The Judge stated that even if Mrs. David was of bad character that did not justify David in shooting her.

After more further argument the Judge decided that he would allow Mr. Hazen to question the witness. He would decide later just how much of the evidence he would admit.

The Solicitor General requested that his objection be noted.

After answering some further questions by Mr. Hazen, the witness was stood aside.

DR. W. D. RANKINE,

who attended Mrs. David at the Woodstock hospital, was the next witness examined. He said that Mrs. David was wounded in the abdomen, and the wound was such as might have been made by a bullet. The patient was suffering from shock, but was otherwise in fair condition. The wound was treated antiseptically, and the usual treatment for shock was administered. He was told that the woman had been shot at McAdam.

The witness went on to speak of subsequent visits made to the patient, and of the change he noticed in her condition. On Tuesday evening an operation was performed, when it was found that the bowels had been perforated in six places. The injuries were of an extremely dangerous nature, and if no operation had been performed the woman would undoubtedly have died. He was assisted in the operation by Drs. Grant, Griffin and Sprague. They found evidence of peritonitis, and gave the ordinary medical treatment. On the following day they found evidence that the disease was spreading, and took this as an indication that a fatal termination was near at hand. The witness, with the assistance of Drs. Grant and Griffin, performed an autopsy on the woman's body. All the organs, except those afflicted by the bullet, were in a perfectly healthy condition. A search was made for the bullet, but it was not located.

Cross-examined by Mr. Hazen the witness said that the physical condition of the woman was very good when he first saw her. It was not considered good practice to perform an operation for an abdominal wound when there are prospects of a patient recovering without it. He could not say that if the operation had been performed at once, that the woman's chances for recovery would have been any better. It was a fair assumption to say that her chances might possibly have been better had the operation been performed earlier. The post mortem examination did not reveal the presence of the bullet. He might have found the bullet had he cut the body up in little pieces, but did not consider it necessary.

To the Solicitor General the witness said he found the track of the bullet leading out of the abdominal cavity into the thigh.

DR. N. P. GRANT,

of Woodstock, was next called to the stand. His testimony was largely a corroboration of that given by the last witness. He described Mrs. David's wound and her physical condition when admitted to the Woodstock hospital. He told of the consultation held upon the case and of the subsequent operation performed upon the patient. They found six perforations of the bowels, such as have been made by a bullet. The injuries were found to be of a very dangerous nature, sufficient to cause death. He considered that everything was done in good faith, that it was possible to do for the woman. After the post mortem they made a thorough search for the bullet as was possible, without mutilating the body.

Mr. Hazen started to cross-examine the witness in regard to a professional visit made to Mrs. David in Woodstock some time before her death.

The Solicitor General objected to this evidence, but the Judge said he would admit the question.

Mr. Hazen wanted to know if he thought he was going to attend the wife of Charles Nicholas, when he received the call, but the Judge ruled the question out. Mr. Hazen requested that his objection be noted.

The witness continuing, said he had attended Mrs. David in June, and was paid for his services by Nicholas.

Mr. Jones—Why don't you find out what was the matter with her?

Mr. Hazen—My learned friend will please allow me to conduct my own examination.

JAMES ANDREWS,

a Syrian merchant of Woodstock was next called to the stand. This witness, although very willing to talk, is almost as deaf as a post. Mr. Hazen complained that he could not hear the witness and the interpreter was called upon to act. The first question was asked in the Syrian tongue and the witness' answer created so much merriment in court, that the interpreter was stood aside forthwith. The witness was ordered to continue in English and was moved down from the box to the floor of the court room. The stenographer complained that he could not hear and the witness was again compelled to shift his position. The witness intimated to the Judge that he could get along better with an interpreter, but he was told to go ahead in English and speak slowly.

The witness was then examined by the Solicitor General and told about meeting David in Woodstock on the Saturday before the shooting. He related a conversation he had with David on that occasion during which the name of Charles Nicholas was mentioned. Witness told David that he thought Charles Nicholas was married. He asked David if that woman meaning Mrs. David, was his sister, and he said no she was his wife, that he had been married to her twelve years and had four children. He wanted to take her home with him.

The next time witness saw David he said that he had been to see the sheriff about his wife, and he advised him to see a lawyer. The Solicitor General started in to question in regard to threats David is alleged to have made against his wife, but Mr. Hazen was on his feet in an instant with an objection. He said that it had already been proved that there had been a reconciliation between the couple, therefore, the evidence in regard to expressed malice at Woodstock should be shut out.

## GREAT LOSS OF LIFE

Scores of Ships Foundered in Storms of Far East with Many Fatalities

VAECOUVER, B. C., January 9.—(Special.)—News of storms in the far east in which many lives were lost, was brought by the steamer Tremont, which arrived here yesterday.

Nine steamers were stranded on the Hokkaido coast and lost. The Hashi went down with twenty men, but the crews of the other vessels were saved.

Forty sailing crafts were lost with many men.

From Singapore news was received that 588 fishing boats were wrecked and more than a thousand buildings were flooded, many persons being drowned.

The American schooner Dolores, from Yokohama, for Guaymas, with coal, foundered in the storm, her crew being saved.

The judge decided to admit the evidence objected to by Mr. Hazen. The latter asked that his objection be noted and intimated that he might ask the court to reserve a case on that point.

The witness being questioned in regard to his conversation with David said that the latter told him "I am not sweet souled and will give her a 32." He also said he had been here thirteen years and had thirty-two dollars. Soon afterwards witness accompanied David to Mr. Moses house. Charles Nicholas came in while they were there and also Julia. This was the first time David saw Julia and she never spoke to him. David asked her what kind of a heart she had to leave those two children. Julia in reply said that David was saucy and a fool and she did not want to have anything to do with him.

Mr. Hazen then took the witness in hand for cross-examination, but did not get along very rapidly with him.

The witness expressed a desire to finish his story where Mr. Jones had stopped him, and the court decided to let him go ahead. He said that Mrs. David told him that Nicholas was her husband. Witness replied that David was her husband and had four children. Mrs. David asked Charles to take her away from Woodstock, but he told her he could not do so, and advised her to go with her husband. Afterwards Charlie Nicholas told witness to see David and tell him to take his wife home, as he (Nicholas) did not want to make trouble between them. Next day in witness' own home he heard Julia say to David "go home you dirty sucker." When David reprimanded her for leaving her children she sauced him, and said she would not go home with him. David said he had worked thirteen years and had given her every cent he earned. Julia told witness that she was a single woman and intended to marry Nicholas. It was before ten o'clock when David made the threat against his wife, as no law officers were open. He told witness he had only \$32. When David said he would give his wife 32 he may have meant \$32.

The Solicitor-General—"And he may have meant a 32 cartridge."

Witness—"I don't know."

The judge said that the questions by counsel on both sides in regard to 32 were improper. The witness' opinion on the matter made no difference.

The Solicitor-General called the witness' attention to the fact that at the preliminary examination the witness had used the words No. 32. The witness replied that that was what he meant.

The Solicitor-General said that he had one more witness for the crown, Dr. Griffin, but as he had not yet arrived, he would rest his case.

### THE DEFENCE

Mr. Hazen urged the Insanity Plea on behalf of his Client

Mr. Hazen urged the insanity plea on behalf of his client.

Mr. Hazen, in opening the case for the defence, submitted that if the prisoner had committed a crime it was manslaughter and not murder. He based this upon section 261 of the criminal code of Canada, which states that a crime of this nature committed under provocation was manslaughter, not murder. He went on to say that the prisoner was born in Syria 35 years ago and came to this country about fifteen years ago. He had been married twelve years, and during the last four years had had a great deal of trouble with his wife. Once she ran away from him, going to Lawrence, Mass., where he found her and induced her to return. On another occasion she ran away and went to Portland, where she passed herself as a single woman. She was about to be married to another Syrian there, when her husband discovered her and once more induced her to return home. In May last she left her home once more and ran away with a man named Charlie Nicholas. They went to Woodstock and it could be shown that they lived there as man and wife. It was already in evidence that she posed as a single woman while in Woodstock, and denied that she was the wife of David. The alleged reconciliation between the couple of Woodstock was briefly referred to and also the railway journey to McAdam. He promised to prove that at the railway station

### ANNIHILATING DISTANCE

WINNIPEG, Manitoba, January 9.—(Special.)—Placing Winnipeg within 48 hours of New York is one of the possibilities, it may be said, of the possibilities of the new connection that the Canadian Northern secures by the completion of the Duluth Railway.

It is figured out that a service can be arranged by which a traveller leaving Winnipeg, say on Thursday morning at 8 o'clock, can be landed in New York the same hour on Saturday morning.