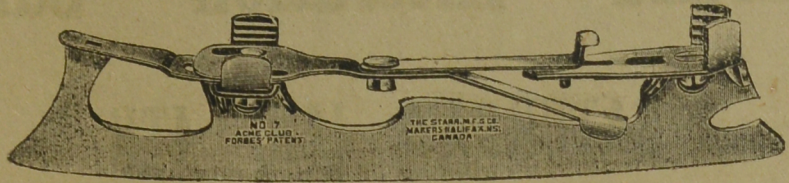


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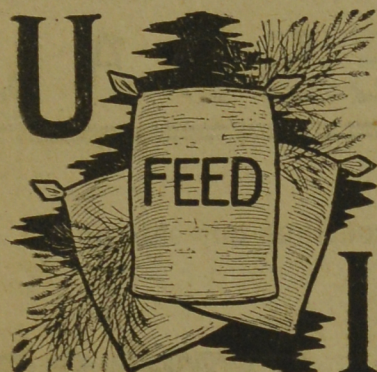
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ON TRIAL FOR HIS LIFE

Many Witnesses Testify for Crown in the David Murder Case

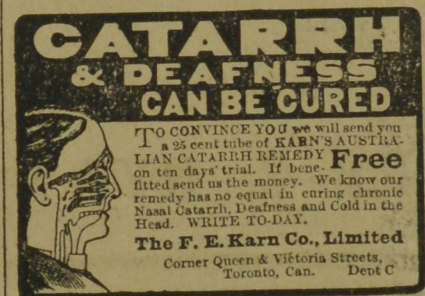
Very satisfactory progress was made Wednesday afternoon with the Crown's case in the David Murder trial now going on before Judge McLeod at the Circuit Court. No less than seven witnesses were examined and while their testimony was most important, nothing of a sensational character was brought out. It becomes plainer as the case proceeds that Mr. Hazen's only hope of saving his client from conviction is to make it appear to the jury that he was suffering from a homicidal mania or brain storm at the time he fired the fatal shots at his wife.

Before the court adjourned Wednesday evening Judge McLeod intimated to the jury that evening sessions would be held in order that the case might be finished in time to allow them to return home for Sunday.

The David murder trial was resumed in the Circuit Court Wednesday at 3.40 p. m.

JOHN POWERS.

of St. John was the first witness called and sworn. He swore he was a commercial traveller. He saw the prisoner at Woodstock on July 8th last at the C. P. R. Station and



later at McAdam. He noticed prisoner in train en route from Woodstock to McAdam but did not see him talking to any one. At McAdam saw him talking to a woman whom he took to be an Assyrian woman. Prisoner was talking to woman as if they were quarrelling. Did not understand what was said. A few minutes later witness heard report of revolver and looking saw prisoner with revolver in his hand.

(Revolver taken from prisoner was produced in court and as it was loaded was handled carefully.)

Prisoner was pointing revolver towards door of ladies' waiting room. He was in the men's room three feet from ladies' room. Witness ran towards prisoner and assisted officer Gardner of McAdam in arresting prisoner. Said he heard two reports from revolver but did not see the shots fired.

Witness afterwards saw woman in ladies' waiting room. She was screaming. Afterward saw her in men's room and was being assisted by two men present. She said she was hurt in side. Afterwards saw prisoner on car. Asked him if his name was Sullivan.

CROSS EXAMINATION.

Cross examined by Mr. Hazen witness said woman was not with prisoner at Woodstock Station. When witness saw her she was in company with another Assyrian man. Did not notice David and wife together on train. So far as witness was aware there was no quarrel until McAdam was reached.

Did not know their language but judged by tone they were fighting. Saw prisoner holding revolver but did not see him aiming at any person. Had never seen David before.

To Solicitor General Jones—Talk and gestures between David and wife

continued a few minutes.

MISS SADIE PORTER.

of the Salvation Army, Woodstock was the next witness sworn. She remembered seeing prisoner before in July on early morning train between Woodstock and McAdam. He was talking to an Assyrian woman. The conversation was ordinary. Woman afterwards told witness prisoner was her husband. Did not see prisoner until shooting took place. Witness was coming out of dining room and into waiting room when prisoner fired shot. Woman was facing prisoner a foot or two away. Witness saw flash and saw prisoner pointing revolver at his wife. Could not tell whether it was pointed at her head or body. Did not see the second shot. Had crossed room between David and wife before second shot was fired. Wife was running towards dining room and David was following her with revolver pointed at her. Witness went into toilet room and remained until prisoner had been captured. She then returned and attended woman. She took her up stairs and dressed wound which was in abdomen and was about size of twenty-five cent piece. Blood was on woman's underclothes and steel of corsets were bent. Dr. Butler of McAdam came and attended the injured woman.

On the way down in the train the witness heard the prisoner ask the conductor what place the lady's ticket was for. To this she heard the lady reply, "It's none of your business where my ticket is for."

The witness was next questioned in regard to the interior of the McAdam railway station and the bullet mark on the wall. She also described the appearance of Mrs. David's garments and the bullet wound in her abdomen.

Under cross examination Miss Porter said she had lived in Woodstock about nine months. She saw David and his wife for the first time on the train between Woodstock and McAdam two feet apart when the first shot was fired. Mrs. David walked up stairs with assistance after the shooting. The witness was sharply questioned by Mr. Hazen on a number of matters but her testimony remained unshaken.

To the Solicitor General the witness said she heard the conductor tell David that if he was not quiet he would have to go into another car.

ENSIGN MARTIN.

of the Salvation Army swore that she resided at Woodstock and was a Salvation Army officer. She first saw the accused on the train while travelling from Woodstock to McAdam. He was then accompanied by a woman. Witness afterwards saw the couple in the railway station at McAdam. She saw the flash and heard the report of David's revolver when he shot the woman. Witness next described what took place after the shooting, corroborating the testimony of the previous witness.

Cross examined by Mr. Hazen the witness said she did not see David and his wife before she left Woodstock. She was particularly attracted by the talk of the couple during the trip down from Woodstock. The shooting was done very quickly and created considerable excitement about the railway station.

JAMES F. GARDINER

called and sworn said he was employed as station policeman at McAdam by the C. P. R. He first saw the prisoner at McAdam on July 8th about nine o'clock in the morning. He arrived from Woodstock on train No. 32. Saw him talking to an Assyrian woman shortly after the arrival of the train. They were in and out of the railway station several times. The witness next described the shooting, stating that the woman and prisoner were four feet apart when the first shot was fired.

Witness turned around in time to see the flash of the second shot which was fired. He did not see the first shot but saw the prisoner's coat tail go up on the right side over his pistol pocket. The prisoner had a revolver in his hand when the second shot was fired. Witness ran up after the shot was fired and caught David's arm and took the revolver away from him.

(The revolver taken from David was here shown to witness and identified by him.)

The revolver contained four loaded cartridges and two empty shells, when taken from the prisoner. Witness taken David under arrest after the shooting. He afterwards found a bullet hole in the wall of the ladies' waiting room. It was in the wall towards which the prisoner was facing after the first shot was fired. In searching the prisoner the witness found a razor, a jack-knife, some money and several other articles. Mr. John Powers assisted witness in making the arrest.

Cross-examined by Mr. Hazen the witness said that a self-cocking revolver was used and the shots were fired in rapid succession. The prisoner offered no resistance when arrested, and readily gave up the revolver. Mr. Powers made a pass at the prisoner after he was arrested, but witness told him to never mind. Before the shooting the witness saw nothing to indicate that the couple were quarrelling. David did not appear to be much excited when arrested. There were fifteen or twenty people in the ladies' waiting room when the shooting took place. It was possible that the prisoner might have escaped after the shooting, as men had escaped out of worse places than that. As a rule men did not care to run up against a loaded revolver. The witness did not care to say that the McAdam station was a likely place where a man would go to commit murder with the hope of afterwards getting away. He was not aware that it was the custom of Syrian peddlars to carry revolvers.

To the Solicitor General the witness said he thought almost any man could escape from McAdam station with a loaded revolver. The prisoner did not act differently from other prisoners when arrested. (The witness here identified the box of cartridges taken from the prisoner.) The revolver

was again taken up, and after judge and counsel had critically examined it the witness was questioned concerning its make and calibre. He thought it was a 32, but was not quite sure on that point. Cartridges from the box were taken and fitted the chamber of the weapon, and it was then passed among the jurymen.

To Mr. Hazen the witness said after the arrest David said he was an American citizen and wanted to know what they could do with him. He said that his wife had brought it all on herself. At Fredericton Junction witness told David that he heard his wife was dead, and he replied that he did not know what he was doing.

To the Solicitor General, the witness said that before leaving McAdam the prisoner told his name to Mr. N. Foster Thorne of Woodstock.

DR. PERCY BUTLER.

of McAdam, swore that he was a resident practitioner at McAdam. Had first seen the prisoner at the preliminary examination. First saw his wife Julia David at the C. P. R. hotel, McAdam. She was then suffering from a wound on the right side of the abdomen. She appeared very nervous at the time. The wound was about the size of a five cent piece, and was as might have been made by a bullet. The witness then gave a brief description of the wound, and stated that he had found one of the steel corset springs bent in. The general physical condition of the patient was fairly normal at that time. Witness accompanied the patient to the Woodstock hospital, and held a consultation upon the case with Dr. Rankine. They decided that it would be inadvisable to perform an operation at that time, as there were no dangerous symptoms.

Under cross-examination the witness said that when the patient was examined at the Woodstock hospital, it was thought that an operation was inadvisable. They thought at the time, however, that complications might arise later on that would make an operation necessary. He thought that possibly it might have been to the patient's advantage had the operation been performed earlier.

OWEN KELLY.

town marshal of Woodstock, told about assisting Dr. Butler to remove Mrs. David to the Woodstock hospital on her arrival from McAdam on July 8th last. The woman was brought up from McAdam in a cot placed in the east. The witness helped remove the cot to the hospital, but did not afterwards see her alive. He had seen the deceased about Woodstock before the shooting.

Under cross-examination the witness said that Mrs. David had been peddling about Woodstock. The witness had seen a Syrian named Chas. Nicholas about the town. Mr. Hazen wanted to know if Nicholas and Mrs. David had arrived there about the same time.

The Solicitor General objected to the question, but the Judge allowed it.

The witness said he did not know what time Nicholas arrived in Woodstock.

N. FOSTER THORNE,

editor of the Carleton Sentinel, was next examined. He first saw the accused on the morning of July 8th, on the train between Woodstock and McAdam. He was engaged in a very animated conversation with a Syrian woman in foreign language. He thought by the man's gestures that he was scolding the woman. He saw the woman talking to a brakeman, but did not hear the conversation.

The witness next told of hearing two revolver shots in the railway station at McAdam Junction. He saw Policeman Gardiner come out of the station with the prisoner. Witness followed them and asked prisoner's name.

Mr. Hazen objected to this evidence on the ground that David was then in custody, and should have been warned against making a statement.

The Judge decided that the conversation should not be admitted as evidence.

The witness was subjected to a brief cross-examination by Mr. Hazen.

KELL ABOUD.

a Syrian from Woodstock was next called to the stand. He knew both the prisoner and his late wife, Julia David. He told about meeting David in Woodstock on several occasions prior to the shooting. At noon on Sunday, July 7th, witness and David and the latter's wife dined at the home of Moses Abdallah. Nicholas was also there, and also witness' wife. Witness had a conversation with Mrs. David and tried to persuade her to accompany her husband to Lowell. She replied "I won't go, I'm afraid I'll shoot me." Witness tried to make her believe that he would not dare do such a thing in this country. David said if he did not like his wife he would not have come after her. Finally Mrs. David consented to go back with her husband if he would not abuse her.

The witness seemed to have played the roll of a peace maker all through, and took up some time in describing to the court his efforts to reconcile the somewhat belligerent couple. His efforts were not very successful and about ten o'clock he left the couple and went home.

Witness took particular pains to impress upon both David and his wife that this country was not like Syria, which was under Turkish rule, but Canada, under the sovereignty of King Edward. He saw Mrs. David at the Woodstock hospital and was there when she died.

As it was nearly six o'clock, Mr. Hazen decided to defer the cross-examination until morning.

Judge McLeod stated that in the view of the fact that the jurymen would not care to be kept in town over Sunday, it might be advisable to hold night sessions.

The Solicitor General stated that he would be willing to hold night sessions later in the week.

The jurors expressed a willingness to hold night sessions and it will probably be done.

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