

The Daily Herald.

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NO. 8

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

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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

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*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

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NEW LOT JUST OPENED AT

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Opposite Normal School

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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

GOOD PROGRESS IN THE MURDER TRIAL

Mr. Hazen Submits Testimony to Show that Prisoner Suffers from Transitory Mania and that it is Hereditary

Medical Men from Lowell on the Stand--David Himself Gives Evidence

THURSDAY AFTERNOON.

When the court resumed at two thirty o'clock Thursday afternoon Abedellah Moses was again placed on the witness stand and Mr. Hazen continued his examination through the interpreter. Witness continued his story about the insanity in David's family and gave instances of how prisoner's father had attacks of insanity.

Cross examined by Solicitor General, witness said that before David's father was married, witness knew prisoner in old country. Prisoner was in old country when witness was on prisoner's head. Did not know of any custom in Syria of stamping marks on the heads of persons who had sore eyes. Thought prisoner's father was tied up to keep him from killing himself. Saw them taking prisoner's father out of river in Syria. He was hitting himself on face and was tied up. He used to try and get away from his friends. When witness left Syria prisoner was grown to be nearly a man. There was only a short distance between witness' house and home of prisoner's father. Used to spend a night with prisoner's father often and after he had recovered from case mentioned was all right. He never drank nor smoked. To Mr. Hazen, I heard prisoner's head was stamped with metal because he was subject to fits and had what was called "black points." Could not describe what black points meant.

MAKOL HUSSON.

was next called. He belonged to Lowell, Mass. He came from Syria and belongs to David's home town. I know Tom David. I saw him in the old country about twelve years ago. It was at this stage when the proceedings were interrupted by prisoner's illness and the court adjourned.

Under medical treatment Thomas David, the Syrian charged with murdering his wife, who was taken ill Thursday afternoon, improved somewhat during the night and was able to be in court this morning. He looked just a trifle paler than usual, but said that he felt very well. The defence this morning introduced further testimony to prove that the prisoner is of sound mind and also to prove the existence of insanity in the prisoner's father's family.

MAKOL HUSSON.

an elderly Syrian was recalled and through the interpreter testified that he knew David's father, and did not consider him of sound mind. Quite frequently he had violent attacks of insanity and while in that state he usually had to be tied up to prevent him injuring himself and others. On one occasion he had a bad attack while working in the field, and witness assisted his brother to tie him up. The prisoner has a brother home about sixteen years of age. On one occasion he saw the old man strike this boy over the head with a stick and knock him senseless. The son had done nothing at all to provoke the attack. The witness knew the prisoner in Syria and was aware he was subject to fits. He had them quite frequently, and would lie upon the ground and froth at the mouth. Cross examined by Mr. Jones the witness said that he knew the prisoner from the time he was six or seven years of age. He could not say how often the prisoner had fits before he left Syria, but saw him in that state a number of times. Questioned in regard to the prisoner's father he admitted that he did not personally see him strike his son, but was told that he struck him. He did not see the father in a fit at that time. He had often seen the prisoner in a fit. The only relative the witness had in court was George Hussion who was sitting alongside of Mr. Hazen.

DR. JAMES E. LEARY.

of Lowell, Mass., was the next witness. He produced a certificate of registration showing that he was qualified to practice medicine in the state of Massachusetts. He had known the prisoner about eleven years and had attended him personally four times. He attended him in 1901, 1902, 1905, and lastly in February of 1907. On all these occasions his condition was very similar. He went to his house and found him pacing up and down the room in a raving condition. He did not seem to be conscious, and witness concluded he was suffering from brain trouble. He

found it necessary to give him hypodermic injections of morphine to quiet him. It usually took some hours to quiet him. Witness would say that prisoner was suffering from acute transitory mania. From my observation of him I would say he is a weak minded man. Anxiety, excitement or fear would have a tendency to bring on an attack of David's ailment at any time.

Mr. Hazen then submitted a hypothetical question to the witness basing it on the incidents connected with the shooting of Mrs. David. The witness replied that he thought Mrs. David's conduct on that occasion would be liable to bring on an attack of David's trouble. He had never treated David for epilepsy.

Under cross examination by the Solicitor General, the witness said that the accused when suffering from transitory mania was unconscious of his surroundings. He might possibly be in that condition injure a stranger but he would be more liable to strike at the person responsible for his trouble. If his condition of mind was such as to render him unconscious of his acts he might when in that state kill anybody without premeditation. Should the exciting cause be severe one might pass into a state of transitory mania very quickly. A person might emerge from that state very quickly and be able to converse rationally a few minutes afterwards. He also might be able to discuss the act committed while in that state.

To Mr. Hazen witness said that a person in a state of transitory mania would be apt to attack the object of his trouble if he or she were present.

KARL DAVID.

a brother of the prisoner, and a much better looking man, who was the next witness. He said he left Syria eleven years ago and now lived in Wisconsin. He had not seen the prisoner during his residence in Wisconsin. His father is still living in Syria. He had seen his father when suffering from attacks of brain trouble. He had an attack every three months. Witness was only a child at the time, but remembered the neighbors being called in and tying his father. People generally looked upon his father as a crazy man. He remembered Tom having a fit once or twice, when he acted kind of funny. Witness was a pedlar and travelled around the country. It was customary for Syrian pedlars to carry revolvers. The reason he carried a revolver was because he was afraid of robbers.

Cross-examined by the Solicitor General, the witness said he guessed that Syrian women carried revolvers when they went around the country. He did not have a revolver on him at the present time. When a child witness remembered seeing some of the neighbors carrying his father up out of the water. Tom is now the oldest living member of the family. Witness did not know how long his father was married, as he was not born at the time the event occurred. His father was a cruel man and witness never had much talk with him. His father did not beat him when in rational mood as he did not go close enough to him to give him a chance.

Mr. Hazen wanted to know from the witness if the prisoner's head had ever been marked, but the question was objected to and disallowed. Makol Mussan was recalled, and swore that when a child the prisoner had his head marked with a hot iron. It had been done as a cure for fits at the suggestion of the priest. The iron was first heated red hot in the fire.

To the Solicitor-General the witness said he was a neighbor of Tom David's father and that was how he happened to be present when the prisoner's head was stamped.

GEORGE ANSARA.

a middle aged Syrian, with long black hair and a Kaiser William moustache, was next called and sworn through the interpreter. He said he was a pedlar and had been living in Lowell twelve years. He

was the father of Julia David and the prisoner was his son-in-law. David always carried a revolver when he went peddling. He remembered David having a fit on one occasion, and gave the court a description of his actions at that time. David provided well for his wife and four children, two of whom are being at present cared for by witness. David and his wife were living in Lowell before the month of May last. Julia left home first, without taking her children. He did not know where she went. David left his home a month after Julia did. He did not see Julia after she left his home in May, and knew nothing of her until he heard she was shot. During the seven years Julia and David were at his house, David treated his wife well. To Mr. Hazen the witness said he had considerable to do with Syrians and found them of a very excitable nature, and liable to gesture violently when in conversation.

DR. P. E. SULLIVAN.

of Lowell, Mass., was the next witness. He was a graduate of the college of physicians and surgeons of Boston and was registered to practice in Massachusetts. He had been practicing in Lowell, since 1900, and had been ambulance surgeon for seven years. He attended all accident cases for removal. He received his appointment from the Board of Charities. He had seen the prisoner in Lowell and had attended him professionally. He attended him in February, 1903. He found him in an excited condition and walking the floor and muttering to himself.

He prescribed bromide and chloral and gave him a hypodermic injection. Witness attended him again for a similar trouble in 1904. He thought the man's mental condition was very weak and when subject to one of his attacks he considered the prisoner irresponsible for anything he might do. Witness had to do with many insane persons in the course of his work at Lowell, and he found David in a worse condition than any crazy man he ever attended.

Under cross examination the witness said that he believed that an attack of transitory mania did not last less than three or four hours. He thought it possible for a person to have attack of transitory mania and become calm a moment or two afterwards. A man might have an excitable cause to commit an act and after having committed it the attack would pass off. He had seen men suffering from transitory mania rave for three or four days. He had never seen a man recover from an attack in three or four minutes.

To the Judge the witness said that if a man struck and killed a man in a moment of frenzy, that would be mania.

To Mr. Jones he said that a man actually suffering from transitory mania would be apt to kill any but he might distinguish a person against whom he held a grudge. When would be more apt to kill a person against whom he held a grudge. When witness attended the prisoner he found him in a state of transitory mania. He complained of his wife and said he would get after that man brought on by excitement. In an ordinary case where a man killed another witness would not say he was suffering from transitory mania. He thought David's remarks about a number 32 showed transitory mania. The fact that the remark was made two days before the shooting made difference.

To Mr. Hazen the witness said that he fact that a man made an attack and talked idly in a few moments was not proof that he did not have transitory mania. Cross-examined by Mr. Jones, he said Syrians usually carried revolvers when peddling but not at other times. They did not carry revolvers when travelling on the train from one town to another.

PRISONER GIVES EVIDENCE

David Details Incidents Leading up to the Murder of his Wife

THOMAS DAVID.

The prisoner was next called to the stand on his own behalf, and sworn. Through Interpreter Ansara he said he was 35 years of age and was a native of Syria. He had been in this country twelve years and had worked as a pedlar. He was married and had four children, two of whom are now living. When first married, his wife spent a good deal of time on the street. After the children came she frequently turned them over to his care and went out upon the street. Three years ago witness moved from Lowell to Manchester, N. H. He used to go out peddling and upon returning home would find a man named ami Sim-use in his house. On taking his wife to task about it she threatened to arrest him, and told him it was none of his business. He always found his wife at home when he returned from his trips except on one occasion. On that occasion he found that the children had been left with a neighbor. Hon. Mr. Jones objected to the

admission of evidence of statements that had been made to the prisoner by other people.

Mr. Hazen said he proposed to show that his wife's conduct had weighed heavily upon the already weak mind of the prisoner, and was the means of his committing the crime.

Mr. Hazen said that he would at this stage ask the court to reserve a case on this point, and his honor promised that it would be done.

Continuing, the witness said he had learned that his wife Thomas. He found his wife in jail, she having got a sentence of two months for some offence. Upon her liberation he removed with her to Grand Rapids Mich., where he worked a month and gave his wages to his wife. While in Grand Rapids Julia left his bed and board, and he learned later on that she had gone to Portland, Me. He took the two children and went to the home of his cousin at Biddeford where he left them. He afterwards went to Portland, got his wife, and went with her to Lowell, where they lived about a year. He went out peddling, and upon returning home frequently found a man named Salem Cowlis at his home. In May last his wife left the children with him and went away. He believed that she went away with Charlie Nicholas, as he learned that they both left on the same day. He knew that Nicholas formerly lived in Woodstock and had a suspicion that they were both in that place. When his wife left him she placed their one-year-old child in his arms and said she was going out to get work at the mill. Witness arrived in Woodstock at eleven o'clock on the night of July 5th. Next Andrews and talked with him next morning he went out and met Jim Andrews told him about Charles Nicholas and Julia and asked if the latter was his (the prisoner's) sister. He replied that she was his wife. Later on witness accompanied Andrews to the home of Abdallah Moses. While there Nicholas and Julia came in by different doors. He took at Julia for leaving her children and she replied that she did not know him. After some further words his wife retired to another room and had a few minutes' conversation. Upon her return she told witness she would go back to Lowell with him. They agreed to leave by the train on Saturday evening, but before his wife arrived the train had gone. She then promised to go with him on Monday morning. The witness spent Saturday night at Abdallah Moses' house sleeping with Charlie Nicholas. He saw his wife again on Sunday, and in the presence of several witnesses she said that she would not go home with witness. Abdallah talked with her for a time, and she finally consented to go to Lowell.

On Monday morning Julia consented to go with him and they started out from the house together. Nicholas followed them down the street and asked by witness if he was going to Lowell, he said he wanted to see a man at the station. His wife refused to let him buy a railway ticket for her, saying she already had one. He asked where it was for and she said for Lowell. His wife was talking to Nicholas five minutes before the train went out. His wife boarded the car with witness, and they occupied separate seats. Julia first said good bye to Nicholas before the train pulled out.

When court resumed session after dinner the prisoner went on the stand again and told of leaving Woodstock with his wife, who refused to sit in the seat with him en route to McAdam. She told him Cowlis's old shoe was worth more to her than his (prisoner's) whole body. She told him she would have him arrested. He remembered nothing further. The station seemed to go all around and his head was a whirl. He did not remember the shooting or any conversation he had held with the officer on the way here. He never told his wife he would shoot her. He never said his soul was on fire nor that he would give her a 32, but he did say he had 32 in his pocket and would give her that. His sole purpose in going to Woodstock was to induce his wife to return home with him.

THE STOCK MARKET

Leading Issues Showing Greater Buoyancy--Sale of Bell Telephone Co. to Manitoba

MONTREAL, Jan. 10.--(Special) -- Stocks showed a further buoyancy today.

Montreal Power was strong at 87. Detroit had a further rise to 39, and Dominion Steel sold up to 16, while N. S. Steel was up to 60 1/2.

So Common jumped to 93, while other features were Dom. Steel Bonds 71 1/2; Mexican 50; Dom. Coal, 43.

Shareholders of the Bell Telephone company today adopted proposal to sell Manitoba business to Manitoba government. Pres. C. F. Size expressed the view that the company had made a good bargain. The price is \$8,400,000, payable in Manitoba government 4 per cent 40 year bonds.