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DR. W. W. DOHERTY IS FOUND NOT GUILTY

Twelve "Good Men and True" Say that Evidence was Not Sufficient to Convict the Accused of Killing Mr. D. J. Bruce.

SOME OF THE EVIDENCE.

At the Spring court in Dalhousie, when he turned round Doherty was in front as he seemed to be finishing the blow.

Cross examined, Dr. Doherty spoke in an ordinary tone when he addressed Bruce. Witness knew Bruce well. The remark to him which accompanied the blow seemed to be "Take that" not "Fit for tat" as suggested by Mr. Powell.

Chief of Police Hughes gave evidence of the arrest of Doherty in the latter office on the afternoon of Sept. 21st last, and identified the umbrella as the one admitted to him by Doherty with which the blow was struck.

Cross examined by Mr. Powell witness could not say if any conversation had taken place between Doherty and himself.

The Medical Evidence

Dr. Joseph Price was then called and being sworn deposed he was a duly qualified medical doctor, a graduate of McGill University and practising in town of Campbellton. He remembered the case on record. He was called into Ferguson's store by Wm. Ferguson and there saw the late D. J. Bruce. He was leaning over the show case supported by Mr. McGinn. He had a wound in his eye and there was a lot of blood on the floor and on the show-case. He got a clean handkerchief and bound up the eye and had him removed to the hospital. He followed. At the hospital he examined the eye and found a ragged cut on the upper left eye lid and a cut along the outer side of the eye-ball. The wound was a recent one, and would be caused by a blunt instrument. He considered the wound could be caused by an umbrella. The lids were swollen and discolored. He ordered dressings to be prepared at which time Dr. Lunan who had been called arrived and took charge of the case. Together they examined the eye but found no more than the wounds already described.

Witness had seen Bruce two or three times during the day and he was perfectly natural and in good health. Bruce was conscious when witness saw him at the hospital and did not see him again until his death. Witness then gave a technical description of the bony structure of the eye socket and was cross-examined by Mr. Powell on the thickness of the bone at the back of the socket.

Dr. Lunan was next witness. Being sworn he stated he was a duly qualified medical doctor, a graduate of the McGill University and had practised in Campbellton about 30 years.

Witness knew both accused and the late Daniel J. Bruce. He remembered the 21st September 1911. He was called to the hospital and there found Bruce sitting on a chair with a bandage on his left eye. He took off the blood stained bandage and made an examination then dressed the wound. The eye lid was greatly swollen and the eye closed. There was a wound on the upper eyelid about a quarter of an inch long which appeared to be produced by a blunt instrument, the external part of the eye ball was grazed and the white of the eye bloodshot.

Witness washed and dressed the wound and remained at the hospital about half an hour. Bruce then lay down on the bed and said he had little pain. He desired to go home but preferred to wait in the hospital till after dark rather than create any fuss. He was quite conscious, but spoke thickly and appeared to be dazed. The wound, witness stated, was a recent one would have been made within half an hour.

Witness saw Bruce again at his home about 8.30. He was then unconscious and his condition very grave. Witness asked for a consultation and Dr. Martin and witness examined the patient together. They agreed that an operation was useless, and agreed on certain treatment. Bruce's condition was entirely different but there was no other external wounds. Dr. Lunan stated that he had been Bruce's family physician for 17 or 18 years. Bruce was in good physical condition, and was sound and normal on 21st September; Bruce was a man of medium height.

The witness then produced a skull and gave a demonstration of the construction of the eye-socket and showed the jury the position of the wound where it penetrated the bone. Witness stated he was present when Dr. Pinault made the autopsy. The cause of death was clots of blood at the base and cavities of the brain pressing on the brain. In his opinion the blood from a burst artery the result of the blow was the cause of death.

This finished Dr. Lunan's evidence at this time. Dr. Pinault was then called, and being sworn stated that he was a duly qualified medical doctor a graduate of Laval University and had practised in Campbellton for a number of years. Witness knew the deceased D. J. Bruce well and saw him at his home on 21st September last about 9 p. m. He was then in a comatose condition and had a dressing soaked with blood on his left eye. Witness corroborated Dr. Lunan as to the treatment at the consultation and agreed with him that the wound was caused by a blow from a blunt instrument.

Witness stated that he made the post mortem examination at the request of the Coroner Dr. Martin. He found a cut on the upper eyelid 3/4 inch long and about 1 1/2 inches deep inside. At the base of the brain and at a point opposite to the orbit there was a small piece of bone turned towards the brain and the membranes torn. There were three other small pieces of bone fractured on the orbit part of the skull. The cause of death was clots of blood forming at the base and cavities of the brain. The wound inside the eye was a continuation from the outer wound and was caused by a blunt instrument.

Shown the umbrella witness stated that such an instrument would cause the wound. He had examined all the other organs of the body and had found them healthy and nothing abnormal.

The blow was sufficient to cause the hemorrhage and would require considerable force to make such a

wound. Witness could not say more than considerable force.

The court then adjourned for lunch.

At the resumption after lunch Dr. Pinault was still on the witness stand. An increased number were present, the ladies being accommodated with seats behind the solicitors table.

Mr. Powell cross examined Dr. Pinault on technical points, on re-examination by Mr. Hartley, Dr. Pinault stated that "death was the result of the blow."

Dr. Lunan was recalled and corroborated Dr. Pinault's evidence, stating that "considerable force would be necessary to make the wound."

Wm. M. Ferguson recalled gave a rough sketch of the store, showing the angles of the building, and the side lines, also the position the parties were standing at the time.

This closed the evidence for the prosecution.

The Defence

After consultation with Judge White and the Crown Prosecutor, Mr. Powell called on the prisoner to give evidence on his own behalf; and being sworn, Doherty took his place in the witness box.

He stated he was the party against whom the charge was made.

He remembered the 21st September and he was acquainted with the late D. J. Bruce for a number of years. Witness stated in evidence that he was going down the street about 2 or 3 o'clock and met Ed. Alexander. In conversation with him it was remarked that Bruce was saying that Doherty had a supply of liquor in his office for the corruption of the electorate. Later on he was returning to his office for the first time since meeting Alexander and on the steps of Ferguson Brother's store he saw Dan Bruce, Billy Ferguson and another man, he did not know who he was. He thought he would see Bruce about the statement he was making and said "Dan I want to see you". On entering Ferguson's store about 15 or 20 feet he said "Dan you are circulating a report that I have liquor in my office for distribution to the electorate." Bruce replied "Yes and its true." Witness then said "You're a—d—liar." Bruce rejoined "Yes its true and if you call me that again I'll hit you on the jaw." Witness reiterated the epithet and stated that Bruce hit him on the jaw with his left hand, and was making towards him again when witness held up the umbrella to defend himself, and the accident happened. In answer to his counsel he had an accident to his right arm in 1893 in Richibucto, in the healing of which the elbow joint was removed and he had not the full power of his arm. He could pull with it but could not push.

Witness stated he did not aim nor intend to hit him in the eye, in fact he did not intend to hit Bruce at all. He agreed with the witnesses for the prosecution, regarding the position of the persons in the store, and he identified the umbrella as his. After the occurrence he went

Continued on page eight

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