

THE EVENING TIMES, ST. JOHN, N. B., MONDAY, JANUARY 13, 1908

**A CLEARING-UP SALE.**  
We have left after our Big Sale, a number of Broken lines of Storm Collars and Low Priced Marmot Ties and Stoles.  
There are only 1 or 2 of each kind.  
We desire to clear out the lot before stock taking.  
We offer them to you at bargain prices.  
**TIES AND STOLLS, \$2.00 to \$11.75**  
**STORM COLLARS, 2.75 to 6.75**

**F. S. THOMAS, FASHIONABLE FURRIER,**  
589 MAIN ST. - NORTH END.  
STORE CLOSSES AT 7 O'CLOCK.

**Gold Days Will Soon Be Here, PUMPS.**  
Standard, Duplex, Pump, Outside, Pack, Plunger, Pump, Automatic Feed Pump and Receiver, Independent Jet Condensers and Air Pumps, Side Suction, Belt Driven Centrifugal Pumps, Steam and Oil Separators.  
**E. S. STEPHENSON & CO.,**  
17-19 Nelson Street, St. John, N. B.

**W. J. NAGLE & SON**  
Furniture, Stoves, Carpets.  
148 to 154 Charlotte Street (Cor. Duka.)

**FRY'S COCOA**  
...AND...  
**CHOCOLATES**  
Highest in quality—greatest in strength—winners of medals for all around superiority. Cocoa that goes farthest because of its absolute purity. Chocolate that contains no injurious chemicals. Concentrated Cocoa that yields more cups to one-quarter pound tin than any other. Produced by the largest makers in the world.

Toronto, Jan. 12.—Twenty years in the penitentiary was the sentence of Joseph Ashworth, at the Cornwall assizes, for attempting to kill his wife. He attacked the woman in the house, followed her when she fled, and knocked her down with a store shaker. She wrestled this from him, and Ashworth took a knife from his pocket and tried to cut her throat. The woman put her hands up, and was badly lashed, one finger being afterwards amputated.

The following were elected elders in St. David's Presbyterian church yesterday morning: R. C. Cruikshank, Andrew Malcolm, John Rogers, William Smith and George Younger. The let was kept open for two Sundays to allow all who wished an opportunity to vote. The date of the ordination of the newly elected elders has not yet been decided upon.

Miss Bertha Stanley, of Misses, who has been spending her Christmas vacation at her home, left on Saturday for Fort Fairfield (Me.), to resume her studies.

**REAL JANUARY BARGAINS**  
IN  
**Whitewear**  
AND  
**Dainty White Blouses!**  
SALE AT MANUFACTURER'S PRICES.

A very large purchase of manufacturer's sample lines, secured at a discount. All fresh, new spring goods, and one of the best ranges of whitewear known in this market.  
In this way we are able to give the people of St. John real bargains in whitewear, which it is not possible for anyone to do in the ordinary way of business at the present time, when the cotton market and labor are so high.  
In this whitewear sale will also be included a large lot of new sample lawn blouses for Spring, 1908. These will also be put on sale at the manufacturer's prices marked on the tickets, we getting a small profit from the discount allowed as mill samples.  
Don't miss this sale or you will miss many good things.

**F. W. DANIEL & CO., Ltd.**  
London House, Charlotte Street.

**MANSLAUGHTER VERDICT REACHED IN DAVID CASE**

**Jury Finds Syrian Peddler Killed His Wife in Heat of Passion—Mr. Hazen Makes Eloquent Plea For Prisoner and Judge McLeod's Charge Is Favorable.**

Fredericton, N. B., Jan. 12.—The trial of Thomas David, the Syrian peddler, on the charge of murdering his wife, which has been going on before Judge McLeod and jury in the York circuit court since Tuesday, was brought to a close last night, when the jury, after deliberating one hour and a half, returned a verdict of manslaughter. There was a large crowd in the court when the verdict was announced, and it seemed to meet with general approval. The prisoner, who seemed to be greatly pleased with the jury's finding, was remanded to jail until 9 o'clock Monday morning, for sentence.

Judge McLeod, after thanking the jury and announcing that he had no fault to find with the verdict, discharged them from further attendance. Solicitor-General Jones and J. D. Hazen, K. C., who conducted the prosecution and defense respectively, with marked ability, expressed themselves as being satisfied with the verdict. The contingent of Syrians from Lowell, who raised funds for David's defense and have been in constant attendance during the trial, were greatly delighted with the result. The fact that the presiding judge approved of the verdict is taken as an indication that David will not get a heavy sentence.

The prisoner, although a stranger in a strange land, was treated with the greatest kindness all through the trial by the court officials from the judge down. While the jury was out deliberating upon the verdict he was taken from the dock and allowed to smoke a cigar in the court room.

The court was thronged when Mr. Hazen began his address on behalf of the prisoner at 2.30 on Saturday afternoon. Among the visitors was noticed the prisoner's mother-in-law and his two children, aged five and eighteen months respectively. They sat directly in front of the jury box and got along well for a time, but before Mr. Hazen had concluded his address the younger one began to cry and was removed from the court by order of the judge.

Mr. Hazen spoke for an hour and fifteen minutes, making a powerful plea on behalf of the prisoner, which was followed with keen interest. He dwelt upon the great importance of the case and denounced in scathing terms the conduct of the prisoner's late wife in deserting her husband and children for another man. "Had the same treatment," said he, "been meted out to one of our blood a tragedy would have occurred much earlier than it did." He mentioned the fact that the prisoner belonged to a people who had been ground down by the iron heel of oppression; therefore his line of conduct could not be judged by that of people brought up in a free country like Canada. The action of David's countrymen in coming to his assistance was warmly praised, and without that, he said, he would have been a victim of the crimes of murder and manslaughter were clearly defined by counsel, and he argued that David had taken the life of

It was easy for a man to commit crime and then come into court and say he had forgotten all about it. The evidence of a man charged with a serious crime must be carefully weighed by the jury. If the statement of Andrews was true then the prisoner's statements must be wrong, and if he is wrong in one instance he might be wrong in others.

The evidence showing that the prisoner's father in Syria was insane was briefly discussed and it was pointed out that the crown had no means of combating it, therefore the jury would have to accept it for what it was worth. The jury would then have to decide whether or not the Syrian friends of the prisoner had exaggerated in their evidence to bolster up his case. The crown maintained that proved its case and which the insanity plea was put up by the prisoner the burden of proof shifted to the defense, and the crown must have the benefit of the doubt as to the prisoner's sanity.

In conclusion he urged the jury not to be swayed by feelings of sympathy, and pointed out to them that it was not so much a case of the poor woman that was killed, but they must remember that a crime had been committed against the laws of God and man, and the jury's duty is to see that justice is done. The solicitor general finished his address, and at 5 o'clock the court adjourned until 6.30.

Upon resuming at that hour Judge McLeod commenced his charge to the jury, speaking exactly one hour. In opening he referred to the indictment against the prisoner, and remarked that there was no doubt that he caused his wife's death, so the question to be considered was it murder or manslaughter, and was he of sound mind when he committed the deed. Murder, he defined as the taking of a human life without cause and with expressed malice. Manslaughter was described as the killing of a person while in a sudden transportation of passion. In the case of the prisoner his crime was murder, unless it could be shown that he had sufficient provocation. As a rule, spoken words are not considered justification, but there were exceptions and the matter was for the jury to decide.

Referring to the insanity plea the judge remarked that under the law, if a prisoner was convicted on that ground, he would have to be confined in an institution for the insane. The judge then reviewed the evidence at considerable length, making deductions as he went along. He remarked that Mrs. David was evidently not correct in her mode of living, as proved by the fact that she had left her husband on several occasions and passed herself off for a single woman. The conduct of David at Woodstock, he judged, was not a man, supposed to be his wife's paramour, showed no high moral feeling on his part. The jury must consider what occurred in Woodstock when determined if there was sufficient provocation for the shooting. If it was found that David had preconceived a plan to shoot his wife he committed murder, but if it was not premeditated but done in a moment of passion, it would be manslaughter. Men ought, as a rule, to control themselves against violent passion, but all men are not constituted alike. A man of David's capacity with a weak mind could not be judged by the same standard as a man mentally strong. If the jury decided that Mrs. David's refusal to accompany her husband home was sufficient provocation, then the crime must be reduced from murder to manslaughter.

In discussing the insanity plea, his honor remarked rather pointedly that after listening to the opinions and reading the works of different doctors, it was difficult to say positively if the man was really sane. It was not claimed that the prisoner was insane before the shooting, but when it occurred he claims that his mind was a blank. The jury would have to deal with the question of his sanity as practical men. The judge thought it a little remarkable that the prisoner should be able to recognize Power on the train after the shooting in view of the contention that his mind was a blank when Power struck him. The fact that the prisoner refused to admit the shooting to people who conversed with him was not evidence of an unsound mind.

In conclusion his honor said to weigh all the facts carefully and if they found the prisoner fired the fatal shot in a moment of passion, they must return a verdict of manslaughter. If on the other hand, they found he was insane at the time, then it was their duty to acquit him. The court room was crowded with spectators in the evening, a majority of whom waited until the verdict was announced by Foreman Isaac Peabody.

**FOR BARGAINS GO TO WILCOX BROS.,**  
Dock St. and Market Sq.

Yes, we are still at it. Still advertising that unequalled Tonic Laxative,  
**Abbey's Effer-vescent Salt**  
We are doing so in your interest as well as in our own. You forget and neglect yourself, and we jog your memory, that's all. The effect, after too much indulgence, in eating or otherwise, is wonderful. All druggists, 25 and 65c. bottles.

**THAT COUGH!**  
The Rigors of This Climate Demand For It The Most Prompt Attention.  
CANADIAN WINTERS ARE ESPECIALLY HARD on those who have had the misfortune to contract a cold that includes a cough. Unattended to these coughs lead to serious lung trouble, but if taken in time with  
**DR. WHITE'S HONEY BALM**  
25c. Anywhere.  
You will reach the seat of the trouble at once—warm the lungs, loosen the phlegm, soothe the pipes and heal irritated parts.  
**HONEY BALM**  
is a sure, safe and absolutely Curative Syrup. It has the true honey flavor and contains no opium or alcohol. Is a standby for family use and can be given to children without fear of injurious results.  
Put Up by the Proprietors of  
**DR. SCOTT'S WHITE LINIMENT,**  
St. John, N. B.

**ALL OVER TOWN! Times Want Ads.**

**SATURDAY WAS A RED LETTER DAY AT OAK HALL**  
A Red Letter Day for all those who attended the opening day of our sale. The store was thronged with eager buyers all day. It will be thronged to-day—it will be thronged to-morrow—it will be thronged every day while this great sale continues, because quantities are too large for one or two days selling to exhaust. And the values! Well, a glance at the items will show you the savings quickly and concisely, nor have the statements of the values been over-estimated. **This store cannot afford to disappoint you by over-promising.** It is not necessary for us to go into details about the styles, the tailoring, the fabrics. If they were not all they should be in every regard, they would never be on sale at OAK HALL.  
A gentleman while here Saturday, asked the question: Why is it you always have such generous response to your sale announcements? We answered him, "Because we live strictly up to our motto, 'Best for the money at all times,' and when we announce a sale we never overstate the facts, so that everything is found just as represented—in other words, we deal fair with the public, and through such square dealing we have gained the confidence of the public."  
Do you suppose there could be any other reason for this being the largest Clothing business in the Maritime Provinces? No! Of course, not.  
Allow us to suggest that you come in the mornings if possible—the throngs are not so great as in the afternoons.  
Come every day while the sale lasts. Get your share of the truly remarkable values.  
**King Street, COR. GERMAIN, GREATER OAK HALL, SCOVIL BROS., LIMITED,**  
Branch Store, 695 Main St., ST. JOHN, N. B.