

The Campbellton Graphic

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DR. W. W. DOHERTY HELD ON CHARGE OF MURDER

Full Text of Evidence Taken at the Preliminary Examination Held Here Last Friday.

REMAINED TO JAIL TO AWAIT TRIAL.

The preliminary examination of Dr. W. W. Doherty was begun last Friday before Police Magistrate Matheson. Mr. Geo. Gilbert and Mr. E. R. Richard represented the Crown and Mr. H. A. Powell, K. C., appeared for the accused. On Doherty being brought before the magistrate, the Crown made application that the former charge be withdrawn, the new indictment reading "That W. W. Doherty of the Town of Campbellton, on the 21st of September, 1911, did commit murder by killing Daniel J. Bruce." After reading the charge the magistrate informed the Court that, as this was a preliminary examination, accused was not required to plead. Evidence was then led and Dr. Lunan took the stand. On being sworn Dr. Lunan stated in reply to Mr. E. R. Richard that he was a duly licensed practitioner for the Province of New Brunswick and was residing and practicing in the Town of Campbellton. He had seen D. J. Bruce on the 21st of September at the Hospital between 4 and 5 p. m. He was conscious, sitting in a chair, and had a handkerchief soaked with blood, covering his left eye. He removed the handkerchief and on examination found a wound in eyelid of left eye, on the upper lid, about 2 or 3-4 inch in length. The lids were swollen and witness the fact there might be perforation of the eye, but did not examine further at that time.

The eye was still bleeding when the bandage was removed and the wound was a recent one. Would say it had been caused within half an hour. The white of the eye was blood-shot, but there were no clots. Witness did not see Bruce again till after eight p. m., when he was unconscious. After examining the eye in the afternoon, he dressed the wound with the assistance of Dr. Price, and when he left Bruce was conscious. Deceased had made no declaration to witness or made any statement to anyone to witness's knowledge. On cross examination by Mr. Powell, witness stated that both Dr. Price and Mrs. Bruce had expressed the desire to have Bruce taken home. Witness stayed one half hour at the hospital. After dressing the wound Bruce walked from the clinic to the house and he saw the undertaker, but his speech was not clear, which would be due to the shock. Witness stated further that Dr. Doherty and that he was a medical doctor.

Re-examined by Mr. Gilbert, witness stated that he detected no other unusual circumstances connected with the case and he was not a doctor.

Dr. Price was then called and being sworn, said:—I reside in Campbellton and am a duly licensed medical practitioner for the Province of New Brunswick. I have been practicing for seven years. I knew Daniel J. Bruce, the deceased. I saw him on the 21st of September in Ferguson's store about half past four. I was passing the store and was called by Mr. Wm. Ferguson, who came out of Lonsbury Co's store and said Mr. Bruce had his eye put out. I entered the store and found Bruce leaning over the show case near Mr. McGinn's place. I hastily examined the eye and found the eye closed, the lids swollen, and the eye bleeding. I saw a clean handkerchief from Mr. Ferguson and banded it up.

I got a team to the door, and Mr. Bruce into it and sent him up to the hospital. I followed him in an auto. I got there at the same time as Mr. Bruce. It would take about six minutes to get from the store to the hospital. I assisted him into the hospital, by holding his arm. I was unable to walk. This would be about 20 minutes or a quarter to five. I instructed the nurse to prepare dressings and by the time they were ready Dr. Lunan arrived. This would be about 15 or 20 minutes from the time I was called into the store. I just separated the lids at the hospital and found the eye blood-shot. The outside of the eye ball was wounded and there was a cut on the upper lid of the eye. The wound on the lid would correspond with the wound on the eye, if the lids were closed. I did not further examine Mr. Bruce. As far as I could see he was in normal condition. There were no other wounds round the head. The wound was shaped like a puncture. I did not probe for the depth of the wound. I stayed with Mr. Bruce at the hospital about half an hour. He was conscious. I assisted Dr. Lunan to dress the eye. I had seen Mr. Bruce two or three times that day and he appeared in normal condition.

Dr. Lunan was Mr. Bruce's family physician.

Cross examined by Mr. Powell, witness said he could not say if there was inversion of the wound. It would be probably 1-2 inch long. The edges of the wound were ragged or separated.

By Mr. Gilbert:—Mr. Bruce got out of the wagon at the hospital with the assistance of Mr. Graham. He was examined and treated on the ground floor. He was conscious but a little dazed and could walk. The blood was still coming from the eye. It was blood, not serum. In further examination by Mr. Gilbert, witness stated that there was an aperture behind the eye which leads into the brain. The optic nerve comes through this and the bone round this is very thin and easily punctured. From what witness could see he was quite able to be moved home. From my examination could not say if the optic nerve was destroyed or not.

Allan A. McGinn was then called and being sworn, said:—I live in the City of Montreal and am a commercial traveler. I was in Campbellton on the 21st of September. I was standing in front of Ferguson's store between 4 and 5 p. m. Wm. Ferguson was with me and Mr. Bruce. I was leaning into the store. I saw the accused. He came up the street and was carrying an umbrella in his right hand. I would not know the umbrella again. Doherty said, "Come here, Dan. I want to speak to you." Accused did not stop. He walked right into the store and stood on this side of the cash register, about 15 or 20 feet from the door. Mr. Bruce followed Doherty into the store. He passed Doherty and turned around, facing the accused and myself. Doherty had his back to me and the street. There was a conversation but could not say what it was. The accused spoke

first and Bruce nodded his head and his lips moved. I could not tell what he said. I then saw Doherty with both hands holding the umbrella, jab Bruce in the eye. He had the handle of the umbrella in his right hand, and the left hand towards the other end. There was no altercation, no loud words. It was no more than a minute or so the time Bruce entered the store till he was hit. I could see him in full view and Bruce had his hands in his pockets when he was struck. When I saw Doherty strike Bruce I jumped into the store. Doherty had turned to come out and I put out my hand to hold him but when I saw Bruce reel I went to his assistance. After the accused struck Bruce, he said, "Now, take that," right after the blow. Bruce's left eye was bleeding when I went to his assistance. The accused made no movement to assist Bruce. After striking him the accused walked out towards his office. I held Bruce up and called Ferguson to get a doctor, which he did about 5 minutes after the blow was struck. This was between 4 and 5 in the afternoon. Dr. Price was got by Ferguson. I helped Bruce into the wagon but did not go to the hospital. I saw him at the hospital later, about 8 p. m. He seemed to be conscious when he was in the store, but he appeared to be asleep when I saw him at the hospital. His eyes were closed and I did not know whether he was conscious or not. Bruce, to my knowledge, said nothing after he was struck. I only saw one blow struck in the store, but Bruce had his hands up as if to ward-off another blow. It was a beautiful clear day and the sun was shining. As far as I know Bruce was in normal condition. I did not hear him complain in any way. There was nothing wrong nor was there any wound round the eye before Bruce went into the store. I saw the wound made by the accused. It was bleeding and swollen. I did not examine the wound. When accused was arrested by the police he asked Ferguson and myself where Bruce was and I replied he was in the hospital.

Cross examined by Mr. Powell:—I first saw the accused in Ferguson Bros' store in the morning. I saw him again on the street about 2 p. m. and later between 4 and 5 p. m., when the occurrence happened. I saw him coming up the street alone. I did not see him speak to anyone. He had his umbrella with him. He spoke to Bruce in an ordinary tone and did not, as far as I could see, indicate anger or excitement. He just asked Bruce into the store. I was farthest down the street. Bruce was sitting on the steps quite close to me and Ferguson was further up the street. I was facing into the store. I did not hear what they said, but could not help but see the case. Witness swore that Bruce did not hit the accused. When I jumped into the store accused had turned round facing the street. I held the accused till I saw Bruce reel. Accused said nothing to me. My holding him might have stopped him for a second. I did not go to the hospital at first. I went there after tea. Bruce was carried out to an automobile. He was apparently asleep and I did not speak to him. In the store there was a large flow of blood over the show case, about the size of a man's hand, which continued till Dr. Price arrived.

Re-examined by Mr. Gilbert:—I was in a position to see both the accused and Bruce in the store. I was able to see a blow had been struck him. I took hold of accused's arm to prevent him from going out. Witness at this point was shown the umbrella but could not identify it.

By Mr. Powell:—Accused brought the umbrella upon a level with Bruce's eye, (here witness showed how the blow was struck) and held the umbrella apparently parallel to the floor.

The court then adjourned for lunch.

On court resuming after lunch, Chief of Police Hughes was called and being sworn gave evidence of arresting Doherty for assaulting Mr. Bruce and doing grievous bodily harm. When arrested Doherty, upon request, showed the chief the umbrella, which he took with him. Shown the umbrella in court the chief identified the umbrella which was then marked by the magistrate and retained as part of the evidence.

Wm. Ferguson was then called, and being sworn, said:—I am a merchant and reside in the Town of Campbellton. I knew Mr. Bruce and was in his company with Mr. McGinn on September 21st, between 4 and 5 p. m., at the front of my store. Dr. Doherty came along the street and spoke to Bruce who followed Doherty into the store. Mr. McGinn then called out "Look," and I turned round and saw the accused just striking Bruce with an umbrella. I could not say what position the umbrella was in for sure but he seemed to have it in both hands, the point facing Bruce and the handle in his right hand. I could not say how he hit him. I heard no conversation in the store, but had they been talking above an ordinary tone I certainly would have heard it. It was somewhere around one or two minutes from the time Bruce entered the store before I saw the blow struck. After the blow was struck I heard Doherty say, "Take that." Those were the words to the best of my knowledge. I was standing facing the street and McGinn was facing the store. When Doherty came up I could not say whether Bruce was sitting or standing. I was standing on the steps in front of the collar show case at the front door. I could see right in the store by turning round. McGinn was standing more in front of the door than I was. The doors were wide open. I did not see anything the matter with Mr. Bruce's eye when talking with him at the door. After the blow was struck I saw his eye bleeding, but did not examine it closely. Blood was dropping on the show case. I went into the Lonsbury store and telephoned for Dr. Price. I happened to see him passing down the street and called him into the store. He looked at Bruce's eye and asked for a clean handkerchief, which I gave him and he told me to phone for Dr. Lunan. I did not see what Mr. McGinn did when he went into the store. I was a little excited and was looking at Bruce.

Cross examined by Mr. Powell:—Mr. Bruce was quite friendly. No, we were not as thick as brothers. Mr. McGinn was quite friendly with Mr. Bruce, as became a man selling goods. When I first looked Doherty was between Bruce and myself. I saw Mr. Bruce's hands up after the blow. I was not in a position to see Bruce's hands before the blow. He might have had his hands up and I not see them. At this time I was facing into the street. I only turned round at the time the blow was struck. I did not hear any conversation in the store. Mr. McGinn was facing into the store. I was above him on the steps. It did not seem a peculiar position for two men to be in a conversation. Mr. McGinn was more or less in front of me. I never looked into the store I had to turn about half way round.

When I saw was on the show case. I did not see McGinn hold the umbrella. I could not swear at the time the blow was struck that McGinn was holding up. I could not see if I did not hear McGinn say anything. He called out "Look, Dan," just before the blow was struck. When I saw the blow struck, I could not see McGinn was on. There are three ways I was in the store. He might have been at the top of the stairs. He might have been at the bottom of the stairs. He might have been at the top of the stairs. He might have been at the bottom of the stairs. He might have been at the top of the stairs. He might have been at the bottom of the stairs.

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