

### PROBING INTO CAUSE OF PROVINCIALIST'S DEATH

BOSTON, May 6.—At the trial of Rodrick C. McKenzie and Murdoch C. MacGregor, formerly attendants at the Pierce farm, who are charged with manslaughter in connection with the death on March 25 of Richard F. Mitchell, evidence was introduced yesterday by the prosecution to show the condition of Mitchell just prior to his removal to the hospital, his condition after he had been taken there and the way he acted.

Dr. Maxfield who took the stand in the afternoon said he did not make an examination of Mitchell when the latter first came to the institution, because of his extreme nervousness.

On the 23rd of March, however, Mitchell had complained of being sick and then Dr. Maxfield made an examination. He found, he said, that several ribs had been fractured. He then called Dr. Noyes' attention to Mitchell's condition.

During the cross-examination of Dr. Maxfield by Attorney Gove, the

latter propounded the following hypothetical question: "If a man had fallen and his knees had struck a man whose physical condition was similar to Mitchell's, would it have fractured his ribs?"

District Attorney Hill was on his feet in an instant and interposed an objection. Judge Schofield ruled out the question on the ground that no evidence had been introduced upon which such a question could be based.

The afternoon session closed with Dr. Maxfield on the stand.

In the morning reports of the institution were read to the jury by District Attorney Hill. One report related to the removal of Mitchell from Ward 7 to Ward 8 on March 15. According to the report this was done because of an assault which Mitchell had attempted to make upon one of the attendants who took the knife away. Dr. Noyes said that he did not

personally investigate the occurrence, but that Dr. Maxfield did.

"Dr. Maxfield first called your attention to the fact that Mitchell had broken ribs?" asked District Attorney Hill.

"Yes," replied the doctor.

"Was there a report that Mitchell attempted to bite one of the attendants in the leg?" Mr. Gove asked.

Dr. Noyes replied: "Yes."

"What was Mitchell's condition when you first saw him on the 23rd?"

"He was incoherent in his speech and rambling in his remarks."

"He was suffering from paresis?"

"Yes. He was quite well advanced in paresis."

"Would you say that the injuries related to the autopsy showed did not exist prior to March 15," inquired Attorney Gove?

"I could not say so."

The doctor was then asked about a fall which Mitchell had attempted to struggle with one of the attendants on the 16th.

"Would you say that those broken ribs and the broken breastbone could not have been sustained at that time?"

"I should not say so on account of the nature of the fall."

"You do not think the falls were of sufficient force to cause the frac-

tures of the ribs and the breastbone?"

"No."

Although, he said, he had personally investigated the reports of violence for the injuries to Mitchell disclosed by the autopsy. This was in response to questions by District Attorney Hill.

William K. Coburn, the next witness called by the prosecution, was the cabman who took Mitchell from the hospital to the Pierce farm. He said that he gained no impression at that time that Mitchell was suffering pain about the chest.

James A. Dimock, head attendant at the "Farm," told of giving Mitchell a bath on the day of his arrival and of putting him to bed. He said that he noticed Mitchell was weak in his legs, and that he fell down before he got into bed.

Cleared—May 7th, 1909—Schr. Lawrence, Grant, Pictou; schr. Venture, Holmes, St. John's; schr. Laura Cox, Wayne, Buctouche; schr. Brilliant, Hubley, Port Hawkesbury; schr. Sir Wilfrid, Roberts, Pictou.

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