

MOIR NOT GUILTY ON THE GROUND OF INSANITY MAY BE COMMITTED TO INSANE ASYLUM FOR LIFE

Jury Was Only Out for About Fifteen Minutes
When the Decision Was Arrived At—No Sensation in Court Room When Verdict Rendered.

CHIEF JUSTICE'S CHARGE TO THE JURY

Explained the Case as It Appeared From the Evidence—Recommends That He Be Sent to an Asylum—Points Out the Danger to the Community From Such Men—The Evidence Today.

"We find the prisoner not guilty, on the grounds of insanity."

After being out about fifteen minutes, the jury in the trial of William A. Moir, charged with the murder of Sergt. Lloyd, on the night of April 17 last, returned the verdict which saved Moir from the gallows.

In accepting the verdict, Chief Justice Meredith said that it was the only verdict possible, considering the nature of the evidence given. His honor thought that the medical testimony had shown the public to be in great and imminent danger from epileptic subjects, who, according to the evidence, might successfully hide the evidence of their condition from all observers. In his opinion, the only safety for the public depended on the life imprisonment of such dangerous subjects as the prisoner at the bar had proved himself to be. And, therefore, he found it his duty to order the confinement of the prisoner until the pleasure of the Lieutenant-Governor was known.

ALL EYES ON MOIR.

When the fateful words of the verdict were spoken, every eye turned upon Moir, who had sat cool and to all appearances uninterested during the trying minutes since the jury had left the court room.

When the words which saved him from the gallows, to send him, in all probability to a life of imprisonment in some asylum, were spoken, not a shadow of a change passed over the colorless face of the prisoner. He looked stonily in front of him, and only the nervous twitching of the mouth, and the long, slender hands prone to stray towards the weak, sensual mouth, gave evidence that he was even remotely interested in what was taking place.

NO STIR IN THE COURT.

Save for the strained eagerness with which the crowd leaned forward to catch some movement on the part of the prisoner, there was no stir in the court room. The evidence had been so manifestly in favor of the verdict given, that the actual verdict did not come as a surprise, and the only question was, how would the prisoner take it?

In that, the seekers for sensation were disappointed, as the sphinx-like stare which Moir has maintained throughout the trial never wavered for an instant. As he left the prisoner's box, closely guarded by two constables, to await in the jail the decision of the crown regarding his fate, he walked with his usual steady, soldierly bearing, and if he were feeling at all on the matter, his mask-like face gave no evidence of the fact to the curious eyes that followed him. Prolonged and profound medical testimony had hopelessly involved the lay observer, and the spectators at the scene had but a very vague idea of the rights and wrongs of the case. The consensus of opinion in the court room seemed to be that Moir had been very fortunate in the verdict.

Today's Session.

Some time before the court was expected to open every available inch of standing room had been taken up, and the constables were ordered to clear the building. Moir still maintained his quiet, though somewhat nervous demeanor. He sits always in one corner of the box, with his face resting on his hand. He is a little paler, and his mouth twitched a little more, otherwise he was unchanged. Sergt. Blair was first called. He said he was an instructor of musketry at Wolseley Barracks, and knew the Ross rifle. "How much pressure would be required to discharge it?" "About four pounds." "What effect would a jar of the rifle cause?" "It would be possible for any sudden jolt to discharge it without pressure."

Sergt. Lawrence was then called, and stated that Moir had at least two suits of civilians' clothes in his possession at the time of the tragedy. The hearing of this evidence tended to show another branch of the defence. The inference evidently being that if Moir had been rational at the time he would have changed from military into civilians' clothes. Medical Expert.

Dr. W. J. Robinson, of the Asylum, here, was called to the stand. From the evidence given he had no doubt that the prisoner was an epileptic subject. "I attended the prisoner on Christ-

amounts have on others?"

"Oh, yes; some can stand more than others."

"Some men, says Dr. Berkeley, can take as much as a smart day?"

"Surely there are other authorities than Dr. Berkeley on this subject here today," remarked his honor.

"If I was sure a man reasoned out any action I would say that that man was not in the condition of epilepsy, though he might act in a fairly reasonable and reasoning manner. I consider it such acts as more instructive and automatic," said Dr. Robinson.

"Do patients ever conceal things?"

"Yes, I have known such cases."

"Believes Moir Was Insane."

"Would you undertake to say from what you have heard in court that Moir was insane?"

"I firmly believe that he was entirely irresponsible."

"You are founding your opinion on his previous history?"

"On his previous history and my knowledge of the disease."

"Now, eliminating all this previous history from your mind, would you think that he was an epileptic patient?"

"The witness said he could not answer that question without it being placed more clearly. He was allowed to go."

Dr. Clark, of Toronto.

Dr. Clark, medical superintendent of the Toronto Hospital for the Insane, was next called. Mr. McEvoy examined him.

"You are here at the instance of the crown?"

"Yes."

"You have heard the accounts given of this prisoner's diseases? Could you say what the nature of the attacks were?"

"I reached the conclusion that he was an epileptic patient."

"Do the attacks, where the patient falls down, include the attacks where he has no convulsion?"

"Not at all. He may have both varieties of attacks."

"In these attacks do patients often do what looks rational?"

"Yes, in certain cases."

"Have you formed any opinion as to the mental condition of the prisoner at the time of the tragedy?"

"I think that he was suffering from an epileptic attack at the time, and was unconscious of what he did."

Mr. Smith asked: "Can you state this as a fact?"

"It is merely my opinion."

"How do you distinguish between a man merely in the condition of epilepsy, and a man suffering from a feeling of injustice, and an epileptic subject?" asked his honor.

"I would have to study all the facts of the case carefully with all his previous history to answer that."

A Nice Point.

"How would you draw the line between a conscious act of vengeance and an epileptic seizure?"

"It is difficult to say. An epileptic is the most irritable creature in the world, and is apt at any times to precipitate a tragedy."

"What makes you think he was irritable?"

"He did an apparently senseless thing, such as firing off the revolver."

"How does the fact that he told one witness that he had his trouble at the barracks fit in with this opinion?"

"It does not affect it at all. He would simply reason from the condition in which he found himself that such had been the case."

"Was there an entire absence of the knowledge of right and wrong in this case?"

"Does his running away with the rifle-point to any knowledge of what had taken place?"

"I do not think so. I believe that the whole tragedy was due to misjudged zeal. If they had left the man alone the whole matter would have passed off quietly."

This ended the case for the defence.

Rebuttal Testimony.

In the rebuttal testimony a number of witnesses testified for the crown to the fact that Moir had no attacks while in the jail.

Simon Fagel, a bartender of the Abbot Hotel, Guelph, where Moir lived six months between 1906 and 1907. He took liquor but the witness had never seen him drunk. Had found him in a fit one day and had been compelled to hold the prisoner while in this fit. When he had let him go, the prisoner had been violent several times. He had been compelled to knock him down to save himself.

Dr. Bruce-Smith.

Dr. Bruce-Smith, inspector of prisons and asylums for Ontario, was next called. Mr. Smith conducted the examination.

"Are there any attacks arising out of alcoholic indulgence, like epilepsy?"

"Yes; alcoholic insanity may simulate epileptic attacks."

"From the evidence, merely of the night of the tragedy, could you form an opinion as to his mental state?"

"Most certainly not."

Mr. McEvoy then arose to cross-examine.

"Does your opinion differ from Dr. Clark's considering all the evidence?"

"Not at all."

"Would the fact that Moir might have worked six months without an attack, or that he has not had an attack while in jail, affect your opinion that he was an epileptic?"

"Not at all."

"Such patients go through very complicated actions at times, do they?"

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Who Is the Owner?

A pair of ladies' boots and a muff were left at the water commissioners' office yesterday for which owners are sought.

IN CLOSE CONFINEMENT

Chief Justice Meredith, addressing the Moir jury, said:

"No other verdict could have been given than the one that you have arrived at, and my duty is to direct him to be placed in close confinement. The evidence we have heard in this case indicates that the public are in a very great danger from persons who have been epileptic. It indicates that they may be moving about in the community without any knowledge by those with whom they come in contact, that they are epileptic, and that at any moment homicidal mania may be developed, and such a result as happened unfortunately in the case you have been investigating."

"I think that the medical evidence makes it clearly the duty of those who are responsible for the administration of the affairs of this Province, or of this Dominion, to see that persons epileptic, who have been acquitted of such crimes on the ground of insanity, are not permitted to go again at large."

"Practically the evidence in this case demonstrates that the safety of the community demands that epileptics be subjected to imprisonment for life."

"Until medical science has reached a stage—I do not think it has yet reached that stage—when persons who are afflicted with this form of disease can be cured, there is no safety for the community unless they are kept in confinement, so that homicidal tendencies can not affect those with whom these people come in contact."

"I direct that the prisoner be confined in the county jail to await the pleasure of the Lieutenant-Governor."

AGED LONDONER DIES AT PRAYER

Sudden Demise of Mr. David McRoberts, of Oxford Street.

Kneeling by his bedside, apparently in the act of completing his morning devotions, death came suddenly to Mr. David McRoberts, at the residence of his daughter, Mrs. Samuel B. Laird, 460 Oxford street, this morning.

Mr. McRoberts was 86 years old, and had resided in London for some time. He was apparently in his usual health last night, and when he did not come down to breakfast this morning Mrs. Laird wondered why. She went up to his room and found him by the bed.

Dr. Thompson was at once called, but found that Mr. McRoberts had died a very short time before from apoplexy.

Two daughters, Mrs. Laird, of this city, and Mrs. Reynolds, of St. Jacobs, survive.

The funeral will be held on Saturday afternoon at Mount Pleasant Cemetery, the services being conducted by Rev. F. E. Malott.

COUNTY JUDGE OF ESSEX

Mr. George Smith, ex-M. P. of Woodstock, Receives the Appointment.

Ottawa, Jan. 14.—The appointment was made yesterday of Mr. George Smith, ex-M. P. of Woodstock, to be county judge of Essex, in succession to Judge Mickle, who was appointed to the position last month, but who resigned to continue in practice after only a day's incumbency of the office. The judgeship has been vacant since the resignation of Judge Clements, last spring.

SECOND WELL DOWN THIRTY-FIVE FEET

Rapid Progress is Being Made With the Drilling.

The second well on Horton street is down about 35 feet, and rapid progress is being made with the drilling. At present they are drilling through the hardpan. There is a strip of this hard substance about 30 feet in depth. When the drillers pass through this they reach the gravel bed, of about the same thickness. It is in this that the water is found.

"We are making good progress," said Mr. James Peat. "We are still in the hardpan, and as soon as we reach the gravel bed we will know how much water we will get. It will be probably quite a week when we strike the water."

THE WEATHER.

TOMORROW—SNOW OR RAIN.

FORECASTS.

Southeast winds; cloudy and comparatively mild today and Friday, with local falls of snow or rain.

TEMPERATURES.

Today. Yesterday.

Stations. 8 a.m. Min. Max.

London 31 -11 38

Calgary -28 -38 -10

Winnipeg -26 -36 -2

Port Arthur 28 -30 36

Perry Sound 18 -2 38

Toronto 30 -16 2

Ottawa 4 -2 8

Montreal -2 -8 2

Quebec -2 -12 2

Victoria 2 -56 -56

Dawson -12 -56 -56

Atlin -22 -16 2

Port Simpson 12 18 22

Victoria 24 32 32

Vancouver 18 22 22

Kamloops -10 -34 -34

Edmonton -22 -38 -38

Prince Albert -26 -42 -42

Moos Jaw -16 -36 -36

Qu'Appelle -18 -38 -38

Halifax 2 24 24

Minus (-) means below zero.

GREEK WAS FINED FOR SELLING CIGARS

To Local Chinaman on Sunday
—Chink Arrested.

In the police court this morning, Michael Fallis, a young Greek, employed in a local restaurant, was found guilty of selling cigars on Sunday, Jan. 3, to John Tom, a Chinese laundryman, and fined \$5.00. The charge was made by P. C. McNulty, who stated that while passing the store he had noticed the Chinaman at the cigar counter. On going in he saw Tom give the Greek a quarter, and he took two cigars. Tom told the clerk to keep the other for himself. McNulty remarked to Fallis, "I guess I have got you this time," and Fallis said, "I guess you have."

Fallis absolutely denied everything in court this morning, and said he had given the Chinaman the cigars. Tom did not appear, notwithstanding that he had been served with a summons. He had to be arrested. Magistrate Love gave him a very severe lecture, and fined him \$2 for contempt of court. Tom said he had worked until 1 o'clock this morning and intended coming to court as soon as he got up. One drunk was remanded for a week to sober up.

IS JUDGED INSANE

Woodstock Lad Who Faked Hold-up Sent to Asylum.

Woodstock, Ont., Jan. 14.—Roy Ingles, the young man who put up a highway robbery game on himself and then sent threatening letters to Henry Craig, was before the magistrate yesterday afternoon. On the evidence of two doctors as to his mental capacity Ingles was sent to the Orillia asylum.

SPEAKER OF THE SENATE

Senator J. K. Kerr, of Toronto, to Succeed Speaker Dandurand.

Ottawa, Jan. 14.—At yesterday's meeting of the cabinet council Senator J. K. Kerr, of Toronto, was appointed speaker of the Senate in the new Parliament, in succession to Speaker Dandurand, who has held office during the past four years.

EX-AUDITOR ILL

The Doctors Say J. Lorne McDougall May Not Recover.

Ottawa, Jan. 14.—Mr. J. Lorne McDougall, ex-auditor-general of Canada, suffered a second paralytic stroke yesterday, and the doctors are doubtful as to his recovery. Mr. McDougall held the position of auditor-general for a quarter of a century, retiring on superannuation on the appointment of the present auditor-general, Mr. Fraser, some four years ago.

OBERNESSER IN TROUBLE AGAIN

Former London Hotelman Said to Have Hit Man on the Head With a Cue.

[Special to The Advertiser.]

Hamilton, Jan. 13.—Because he ignored a summons to the police court to answer a charge of aggravated assault, a warrant was issued by Magistrate Jelfs in the police court this morning for the arrest of Jacob Obernesser, proprietor of the Union Hotel, Hughson and Hunter streets, who is a former Londoner. He is accused by John A. Walker of having struck him over the head with a billiard cue in the poolroom of the hotel last night.

Walker's head was cut so that five stitches were required to close the wound. He complained to Constable Springer, who took him to Magistrate Jelfs' residence in a bloody condition. Walker told his version of the affair, and his worship issued a summons for Obernesser's appearance in court this morning. Neither of the parties was on hand, and a warrant was issued.

Walker told the magistrate that he was playing pool and sat on the side of the table in order to make a shot. Obernesser asked him why he did not take the rest, and he asked the proprietor where it was. He claims that he struck him over the head with a cue which he had in his hand.

TRACK ELEVATION AT STANDSTILL

Expected That It Will Be February Before Any Move Is Made.

There will be nothing done regarding track elevation until February. Nothing has been heard from Engineer Kelly regarding the question since he was in the city.

At the time he said that he expected it would be at least 30 days before he would have his report ready for the Grand Trunk officials.

When that report is received the company will open negotiations, and the vexed question will then be settled, or, at least, an attempt will be made to settle the question.

"I have heard nothing," said Mayor Stevely. "It will be some time before Mr. Kelly has his report ready, and when it is we will hear from the company. We expect it will be ready by Feb. 1."

FATAL WRECK IN WEST

One Freight Crashes Into Another, Causing Death of Two Trainmen.

Medicine Hat, Jan. 13.—Meagre details of a fatal rear-end collision at Slidmore just received. C. P. R. fireman and brakeman Porter were killed. An eastbound freight on a siding was run into by another freight, destroying the caboose and six cars. The victims were in the engine of the second train.

DEBATE AT WESTERN.

The Western University Literary Society meets tonight at 8:30. The subject for debate is as follows: Resolved, that the recommendation of the simplified spelling committee be adopted for Canadian school and college textbooks.

MOIR WATCHED CHECKER GAME

The Stake of Which Was His Own Life.

A PEN PICTURE OF PRISONER

And the Scene in the Court Room Yesterday Afternoon.

Charles Dickens, in his "Oliver Twist," says that any two babes when born are on a level. They are just the same until the world begins with them or their actions mark them from the rest of mankind. Little Oliver, lying there, might have been the king of England, but the moment the garb of the poorhouse was placed upon him he was branded as a pauper.

It is the same with a man. Sitting in the felon's box at the court house William Alexander Moir was a prisoner—someone with a mark on him—someone charged with killing a fellow man. Had he been out in the audience he would not have been noticeable, unless it would be for the fact that he is much more intelligent in appearance, of a much finer mold than most other men. But there he sat in the prisoner's box, something to be looked at. All eyes turned toward him, as surely as the needle of a compass to the north.

Yesterday morning he was apparently unconcerned. He came in with a confident air, but nothing of a swag. As the day wore on, however, he grew restless. He was paler far in the afternoon.

The Prisoner's Box.

In the same old box in which many prisoners, charged with similar crimes have sat, he listened to the evidence against him and for him.

A man of close on to thirty, he did not look over thirty. Tall—he sat high and straight in the cage—and nattily dressed, there was nothing brutal in his appearance. His dark, thick hair was well combed and brushed. His high collar and white set off the neat-fitting black coat. Thin-faced, alert, and nervous, he noted the points for and against him, and his movements registered his feelings.

But it was not until the deposition of his mother-in-law, Mrs. Hunter, of Howick, Scotland—a widow, for the second time—was read, that he seemed to be melting. Even the cold legal verbiage of the document, read by Edmund Wells, clerk of the court, could not hide the tender, motherly solicitation for a child in trouble. "He was never a strong boy," she went on to say. "He had always been good and she had never seen him drink intoxicants." One of his old comrades of the Gordon Highlanders told of Moir having taken a fit in a public house "on the lea," at Cork, Ireland, while quartered there with his regiment.

Breaking the Defense.

This witness and others told of Moir's having borne a good character in Scotland. Others, medical men of Ontario, were called to prove that he had been subject to fits, it being the evident desire of the defense to show that he was not responsible for his actions the night of the fatal shooting.

Not in a spirit of revenge but to uphold the safety of the people and punish the crime, if crime it was, committed the cold, unrelenting machinery of the law was set at work to break down this defense, and show that Moir was responsible—that if he was subject to "fits," they were brought on by alcohol; that he had passed several military examinations, the final one in London, and that if he had been physically and mentally affected he would not have been admitted to the British and Canadian armies. In short the crown endeavored to show that Moir was drunk when he suffered fits, or fell into a comatose condition, as witnesses swore he was in the habit of doing.

Majesty of the Law.

The law in all its majesty is on exhibition in trial for murder. On the bench sat Chief Justice Sir William Ralph Meredith, once a famous criminal lawyer himself. He, with the present Justice MacMahon, acted for the dozen or more men accused of the Donnelly murder in 1886. In the same court room these then eminent lawyers freed the prisoners. Acting for the defense of Moir was Mr. Edmund Meredith, K. C., brother of the presiding chief justice.

Local detectives sat side by side with constables from Arthur, Ont., where Moir was captured after his flight. County constables, with their red staffs of office, mingled with the intensely curious crowd in the seats at the rear and others who stood up hour in and hour out to hear the evidence. Every lawyer connected with the case, wore his imposing gown. In front of his lordship sat Sheriff Cameron, his deputy and Clerk Weld, all wearing gowns. Imposing, indeed, is the law of Canada in a criminal court.

There is comedy in every tragedy for those not directly affected. Occasionally a witness said something which caused a low laugh in some section of the courtroom, but the constables instantly suppressed it.

A Strange Game.

And all the while Moir watched the moves on the checkerboard—the stake of which was his life. It was a game. Even the thought of the man hurried into eternity by a rifle bullet—a bullet propelled, Sergt. Gilmore swore by a gas pressure of 600 pounds to the square inch—could not overcome a wave of pity for the prisoner.

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