

CAPT. JOHN E. MERRILL FOUND NOT GUILTY IN MURDER CASE

At Suggestion of Attorney General Baxter, Judge Chandler Directs Jury to So Find and Prisoner will be Treated for Insanity at Provincial Hospital—Merrill Enlisted in St. John.

Special to The Standard.
Dorchester, Oct. 26.—At the suggestion of Attorney General Baxter, Judge Chandler directed the jury this afternoon to return a verdict of not guilty by reason of insanity, in the case of Capt. John E. Merrill, charged with shooting and killing John Fletcher Rogers, a Canadian Government Railways clerk at the general offices of the system in Moncton on the afternoon of Tuesday, Oct. 17. Capt. Merrill, who by a strange circumstance began his career as a British soldier in the present war at St. John, will be taken to the Provincial Hospital at Fairville and will be treated there for his mental condition.

Government Rests.

The trial began yesterday. At today's session Chief of Police Rideout completed the testimony for the crown. Chief Rideout testified to seeing the body of John Fletcher Rogers and the wounds; he produced the bullet in court. The revolver also was produced and he said the bullet would fit this revolver. He saw the prisoner at three o'clock at the police station. He would consider that the prisoner was drunk. The prisoner was lying down. He did not smell liquor on him then but did smell liquor on his breath after six o'clock. Witness asked the accused his name and said: "You know what you have done. You have murdered a man, and I want to warn you that anything you may say will be used in evidence against you at your trial."

Case For Defense.

Councillor E. R. McDonald of Shediac of counsel for the defendant, addressing the jurors asked them if they believed that a man of the valiant self-sacrificing qualities of the accused could be guilty of such a crime as is charged against him? The act was not consistent with the same man. The counsel asked the jury to consider what this man had done through at the front. They had before them the statements of men coming back from the front, and had read letters from the front, telling of the experience of men in the trenches. We are under conditions never known before in the history of the world, and they must expect from these extraordinary conditions such extraordinary returns. He said that the defense proposed to show the conduct of the accused in Halifax and on his way by train to Moncton, and they would show further that he was incapable of controlling himself because of the strenuous life he had gone through while fighting for his country. It was not John E. Merrill, battered and wounded and shelled by the Huns, who was accused.

Halifax Man Testifies.

George E. Boak of Halifax, coal merchant, was the first witness for the defense. He came from Halifax to Amherst on Oct. 17th on the Ocean Limited. About 9.15 o'clock he and the accused and some others were talking in a smoker on the Pullman. The accused told them that he had fought at Ypres, St. Etot and Gallipoli, and that he had been gassed. Some reference was made to an article regarding President Wilson and the accused said that Wilson was no good. A New York gentleman was in the party and told the accused that he had better be careful as he was an American citizen. The witness said the accused at that time was absolutely sober. Mr. Boak said the accused was worrying considerably about his lack of funds on the trip across the Atlantic and that he had left England with only ten shillings in his pocket and did not have enough to tip the stewards, but that he had arranged with them to go to a bank in Halifax when he arrived there and give them a cheque for \$150. The accused was

very restless and the witness said that he noticed a white spot between the accused's lips as if it were spittle or foam.

The accused asked the Pullman porter to bring him some whiskey. A bottle partly filled was brought in and all in the party drank except the witness. The accused stated that he was going to Toronto and his wife and children were coming and they would have a big dinner there on Christmas, one of the finest dinners that was ever put up. Having said this he made an unnatural laugh. The accused told Boak that while in the hospital in London he got news of a terrible tragedy that had befallen his father and mother, that they had been burned to death in a western city and that all the property was left to him, but he had turned it over to his brother. He said that the property was in New York and valued at \$97,000 and the taxation on it amounted to \$38,000, but when the property was made over to his brother the taxation bill was only \$20,000. He was taking legal steps to get back this taxation money which he claimed was excessive, and he had given a cheque for \$2,000 to a New York lawyer. Boak said that between Truro and Amherst the accused took two drinks. From Halifax to Truro there was no drinking. After the second drink the accused was not talking.

Witness Boak said he would call Capt. Merrill restless. He was frequently up and down. He would make intelligent remarks. Cross examined by Attorney General Baxter, witness stated that he did not notice any marked pallor about Merrill's face. Merrill said he had been in the hospital four or five months.

St. John Witness.

Lieut. Charles P. Inches of the 3rd Canadian Garrison Artillery, Partridge Island, St. John, produced service roll showing that J. E. Merrill had joined that unit on Sept. 17, 1914, giving as his address, 844 Third Avenue, New York. Howard Ryan of Halifax, a brother-in-law of the accused, and a petty officer on H. M. C. S. Nobe, stated that he had known the accused for two or three years and met him first in the fall of 1914 when he was bright, intelligent and normal. He met him again on the 6th of this month in Halifax and noticed that he was looking much older and the witness stated that at that time Merrill was melancholy and seemed to be living over again the experiences he had gone through at the front. The witness said that on those occasions he would joke with the accused, who would make a quick start and give an unnatural laugh. The witness stated that he saw no evidence of drinking before he left Halifax for Montreal.

After similar testimony by other witnesses Attorney General Baxter submitted certain documents regarding the military career of Capt. Merrill. These show that he was an officer in the 10th Lancaster King's Own Regiment.

Attorney General Baxter stated that he had opened the case with the impression that the tragedy was due to excessive using of intoxicants, out on hearing the evidence he thought that it was unnecessary to call any more witnesses and the case might stop here, if the Judge would feel justified in directing the jury to return a verdict of not guilty because of insanity. He felt that the accused was not in a normal condition, but for the sake of protecting the community he should be taken care of. Major Hamilton of defendant's counsel, stated that the attitude of the Attorney General exemplified his fair mindedness and his desire to see justice done. He further stated that he and Mr. McDonald were convinced during their conversation with Merrill during the past few days that he

RECRUITING ORGANIZATION IN PROVINCE

List of Recruiting Officers and Medical Examiners in the Counties of New Brunswick.

The list published below gives the names of the county recruiting officers and medical examiners in each county as well as the chief recruiting officer and deputies in New Brunswick.

- St. John—Sergt. K. C. Storey, St. John; Capt. Bishop, Capt. Curran.
- Westmorland—W. H. Price, Moncton; Major R. O. G. Murray, St. John; Dr. F. A. Richard, Dr. J. O. Colman.
- York—J. J. McCaffrey, Fredericton; Major S. P. Walwright, O. E. Morehouse, B. W. Robertson, C. H. London.
- Albert—F. M. Thompson, Millboro; Dr. J. T. Lewis, Dr. S. C. Murray.
- Carleton—T. C. L. Ketchum, Woodstock; Capt. N. P. Grant, Dr. I. Curtis, Dr. W. D. Rankine, Dr. H. W. Peppers.
- Restigouche—A. McG. McDonald, Campbellton; Dr. L. C. Pincus, Dr. A. Blair, Dr. J. A. Wade, Dr. Bibb, Dr. J. D. Coffin, Dr. R. W. Earle, Dr. Lorenzo Chapman, Dr. Claude A. Guy, Madawaska—Lieut. D. R. McKendrick, St. Leonard; Dr. L. J. Violette, Dr. A. N. Sormany, Dr. J. Adolph Guy, Queens-Subsary—A. John T. Gibson, Marysville; Dr. H. B. Hay, Dr. J. Hetherington, Dr. V. D. Davidson, Dr. G. W. Bailey.
- Northumberland—P. A. Murdoch, Chatham, N. B.; Lieut. J. E. Parks, Dr. W. S. Loggie, Dr. Wier, Dr. Ryan, Kent—D. T. J. Bourque, Richibucto, N. B.; Dr. Barnam, Dr. Bourque.
- Kings—J. D. McKenna, Sussex; Dr. J. U. Burnett, Dr. D. L. Freeze.

Chief recruiting officer, Captain F. May, St. John, N. B.

Deputy recruiting officers, Capt. A. E. Barton, Moncton, and Lieut. A. A. Rice, Edmundston, N. B.

was and is now not in a normal condition.

Trial Fair On!

Judge Chandler stated that the trial had been conducted fairly and that the suggestion made by the Attorney General met with his approval. He felt that it was the wisest course to pursue. While there was much sympathy with the family of John Rogers, he felt that the accused should be committed to a place of safe keeping. It would be very improper for him to be set at liberty, but he should be put in some place and given medical treatment and kept absolutely secured if it meant his entire life. The Judge therefore instructed the jury to return a verdict of not guilty on the ground of insanity.

The jury retired at eight minutes to three and five minutes later returned to the court room and announced through their foreman, Mr. Frank Palmer, that they had found a verdict of not guilty on the ground of insanity.

Judge Chandler then under Section 966 of the Criminal Code, Sub-section 2, directed that Merrill be kept in custody in the common jail until the pleasure of the Lieut. Governor is known.

Attorney General Baxter stated that arrangements had been made for the commitment of the prisoner, Capt. John E. Merrill, to the provincial hospital at St. John.

PARCELS FOR PRISONERS OF WAR IN GERMANY MUST BE WELL PACKED

The post office department has been notified by the British post office that many parcels sent from Canada to Prisoners of War in Germany are being received in London in a damaged condition, so that frequently they have to be repacked before they can be forwarded to Holland for transmission to Germany. The British post office adds that in most cases the damage appears to be due to the fact that the parcels were inadequately packed by the sender.

The public are warned, therefore, that parcels for Prisoners of War, unless they are very strongly packed, will probably arrive in such a condition as to be of little or no use to the recipients.

The following forms of packing are recommended:
1. Strong double cardboard or strawboard boxes. Those made of corrugated cardboard and having lids which completely enclose the sides of the box are the most suitable.
2. Tin boxes such as are used for packing biscuits.
3. Strong wooden boxes.
4. Several folds of stout packing paper.

The British authorities advise that parcels for Prisoners of War in Germany must not be wrapped in linen, calico, canvas, or any other textile material.

COL. GUTHRIE MAY COMMAND WHOLE BRIGADE OF KILTIES

Brigadier General H. H. MacLean Utters Encouraging Words at Officers' Dinner—Speakers Warmly Praise Sir Sam Hughes, Col. Guthrie, Gen. McLean and These who are Fighting the Foe.

Special to The Standard.
Fredericton, N.B., Oct. 26.—That the 256th Overseas Battalion, New Brunswick Kilties, (Sir Sam's Own), now that authority has been given to recruit from all the MacLeans and their connections throughout Canada, will be filled in a short time to overflowing and that Lieut. Col. Guthrie will have with him not only a full battalion but perhaps enough men to form a brigade wearing the tartan of the McLean of Duran, was the statement made by Brigadier General MacLean at the opening dinner of the Kilties' officers mess last night. Brigadier General MacLean in proposing the toast to "Our Minister of War," Lieut. General Sir Sam Hughes, described him as being the right man in the right place in this time of national distress. He ennobled the head of Canada's Militia Department as being particularly qualified by reason of his professional training, temperament and intense energy to raise the overseas force in the Dominion. It required a man of Sir Sam's energy and vision looking to the needs of the Empire to undertake this great task. Of course mistakes had been made but a strong man was not afraid of mistakes and criticism for he knew he would be judged by results.

What Lord Roberts Said.

The Brigadier referred to a banquet held in London at which the late Lord Roberts was one of the principal speakers, and in proposing the health of Sir Sam Hughes said that Canada's Minister of War was one of the great men of the Empire. (Applause.) He was satisfied that when Lord Roberts put the hall mark on Sir Sam it was as strong a recommendation as any one interested in the army could desire.

Speaking to the toast "The G. O. C. New Brunswick Command," Col. Guthrie declared that no son of New Brunswick had brought to himself or his native province greater renown in the professions of law, politics or arms. He briefly sketched the career of the distinguished guest who was born in Fredericton, and as a boy eagerly donned the Queen's uniform to become a bugler in the old 1st Regiment. Gradually he worked his way up until at the time of the Northwest rebellion he was adjutant of the 62nd. Years passed and the young soldier was always to be found in

camp during the annual training of the militia. Next he was in command of the troops in the Maritime Provinces in England at the historic occasion of King George's coronation. Later he represented the eastern provinces in a similar capacity at the 100th anniversary at Quebec. Now with age bearing on him and his beloved Empire in trouble he had again come to the front. Leaving his law practice he had again donned the uniform and had given himself and his two sons to the cause.

Col. Guthrie in graphic language eulogized the G. O. C. as an outstanding personality not only in the eastern provinces but in the Dominion, for he was one man who excelled in law, in politics and militia. He was also an imperialist in the greatest sense in putting party aside at a national crisis, when he voted for his convictions on the question of Canada's contribution to the navy. Fredericton should be intensely proud of her son and particularly the Kilties, as it was largely through the Brigadier's personal efforts that the necessary funds to equip the battalion were raised so successfully.

A perfect ovation greeted Brigadier

General MacLean on rising to respond to the toast. In a humorous vein he sketched his early career in Fredericton, and in passing paid a warm tribute to his old friend, Premier Clarke, whom he was proud to see among the guests. He touched on his offer to Col. Guthrie to raise funds necessary to equip the battalion in his beloved tartan and said that it was a particularly pleasant task, as wherever he went and spoke of the former O. C. of the 10th, the white surkhas, he had no difficulty in securing financial support in a most generous manner. The fame of the officer commanding the Kilties was known far beyond the borders of New Brunswick, and this had been evidenced by an offer of Vice-President Denis of the C. P. R., who had declared if Col. Guthrie went to Calgary he would guarantee to raise him a full company in Alberta.

Again Vice-President Bury had intimated that influential friends in Montreal and Toronto would raise and equip not one but two companies of MacLeans in Ontario and Quebec. The Kilties, he knew, were proud of the fact that they were to be led by a fighting man, and he would not be surprised before very long to learn that not only had one regiment of Highlanders been raised, but a whole brigade. This indeed was the desire of Sir Sam Hughes to see Col. Guthrie at the head of a brigade that would shed further lustre and fame on his native province.

He assured his listeners he would take the greatest personal interest in new units, and watch with pride its achievements when the time arrived when New Brunswick would have its own Scotch regiment fighting the Empire's foes on European battlefields. He concluded his remarks with a reference to Col. Greer's sportsman's battalion now in St. John, and expressed the hope that Mayor Mitchell

would not miss the opportunity of extending a hearty invitation to his Toronto colleague to have this crack regiment visit Fredericton.

Major C. G. Gessie then proposed toast of New Brunswick, which brought Premier Hon. George J. Clarke to his feet. He thought to have heard something of war from men schooled in such arts, but who were equally able to do justice to works of peace. While the province, perhaps, did not loom very large on the map of the Dominion, nor did it boast of many great industries, yet he was proud to say it had contributed its share to a group of truly great men who had ruled the destinies of Canada with capable minds. It was also true that New Brunswick had contributed a goodly proportion of its best manhood to the firing line, and there were none of whom the province was more proud than of Lieut. Col. Guthrie.

Premier Clarke also referred to the fact that all of Lieut. Col. Guthrie's officers in Kilties had been on the firing line, knew the fighting game and realized what they were doing when they went back to the trenches once more. Such a battalion, he said, should bring new fame and renown to New Brunswick. Lieut. Col. Greer gave a racy sketch of the history of his battalion which was recruited in record time as a result of a novel recruiting campaign. He said that a new appeal had been used in raising the unit, men of sporting instincts being appealed to, particularly on the ground that if this country was good enough to play in it was worth fighting for.

Mr. and Mrs. Daniel McDonald, of Halifax, are visiting in St. John for a few days, having just returned from a two weeks' trip to Boston.

LUSCIOUS the pie that Elizabeth made. Crisp was the crust and of delicate shade. Never a flake of it soggy or sour. Art, a good oven and Purity Flour.

MORE BREAD AND BETTER BREAD

PURITY FLOUR

WATCH your alert, keen-eyed, clear-headed business man at breakfast. You never see him eating heavy, soggy foods that clog the body and slow up the mental processes. No, as a rule, he selects some appetizing, easily digested cereal such as Kellogg's, for he knows that these thin, crisp, toasted corn flakes supply all the nourishment that the ordinary body needs without dissipating his energy in digesting and absorbing them. Kellogg's Toasted Corn Flakes go well with fresh or cooked fruits in place of the usual milk or cream.

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Kellogg's TOASTED CORN FLAKES 10¢

Best Nerve Specialist in England Was Consulted

But Nervous System Failed to Respond to Treatment Prescribed.

Nervous disorders frequently result from injury to the nerves in accidents or because of the shock to the system. The writer of this letter was injured in a mix-up with some colts, remained unconscious for three weeks, and in spite of continued treatment in hospital could not obtain restoration of the internal nerves which control the action of the digestive and other vital organs. He travelled to Europe and consulted England's greatest nerve specialist. Relief was only temporary, in spite of many treatments used. His letter gives the facts briefly and tells how he was finally cured by using Dr. Chase's Nerve Food. Can you imagine any more severe test of this great nerve restorative? Mr. Henry P. Venn, Cefu Ranch, Malakwa, B. C., writes: "Dr. Chase's Nerve Food has restored my nervous system and given me new health. Having met with a severe accident

seven years ago, from which I was unconscious and which left my nerves in a very sore plight, I was treated by doctors galore and consulted one of the greatest nerve specialists in England, but nothing seemed to do me much good. Hypophosphates and, in fact, all and every kind of nerve mixture in almost every form was used, but never with more than temporary benefit. "But Dr. Chase's Nerve Food has acted very differently, for it has built up my nervous system until I feel like my old self again. If this medicine will do for others what it has done for me, I shall not regret having written this letter. I have recommended the Nerve Food personally to many, and shall always esteem it my greatest restorative value." Dr. Chase's Nerve Food, 50 cents a box, all dealers, or Edmanson, Bates & Co., Ltd., Toronto.

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