POOR DOCUMENT

THE EVENING TIMES AND STAR, ST. JOHN, N. B., TUESDAY, SEPTEMBER 38, 1917

"Unwritten Law" Saves Officer In England

Details of a Husband's Summary Defence of His Wife's Honor and Acquittal By British Jury

A remarkable case is that of Lieutenant Douglas Malcolm, Royal Artillery, attached to the Headquarters Staff of the British army in France, who, at Old Bailey, London, on Sept. 11, after a trial of a few hours, was acquitted of the murder of Anton Baumberg, alias "Count Borch," believed to be a German agent, but mentioned in the London press merely as a "slacker."

Before the coroner's jury which gave the verdict of "justifiable homicide," the police court justice who held him for trial, and the jury at Old Bailey which set him free, Malcolm repeatedly declared that he had killed the count to save his honor.

The lease prace complexited the fort to stand a threshing. If the inevitable in the line is too much of a coward to stand a threshing. If the inevitable is investible.

as evidence at either the examination or trial.

The Inagest

At the inquest held by Mr. Byrne, shown that "Count de Borch," age 32, was found in his bed on the morning of the place, Hyde Park, with failable and the shown that "Count de Borch," age 32, williamson, represented the direct or of white shown that "Count de Borch," age 32, williamson, represented the direct or of white shown that "Count de Borch," age 32, williamson, represented the direct or of white shown that better the shown that a shown that better and the shown that a shown that Lieutenant Malcolm was present.

Detective Sergeant Affred Davies and that Lieutenant Malcolm said to the shown that the shown that the shown that the shown the shown the shown that the shown t

and give you such a thrashing that even



Marylebone police court.

The examination at the Marylebone

him, and me out in France helpless to defend her honor. Can you wonder at even talk to my wife again, wherever his property to his wife's mother, Mrs. I am I will get leave and hunt you out Taylor. when I saw the cur before me who was

"He put the will and a letter to his what I did on the impulse of the moment



IDLE SHELL PLANTS TO BE CONVERTED

Imperial Munitions Board Makes Important Proposition Respecting Change; Orders to be Filled Ottawa, Sept. 18.—Many plants which have hitherto been engaged in the manuacture of 8 inch and 9.2 inch shells for the British government will be convert-ed into plants suitable for producing six inch shells. A recent announcement by the Imperial Munitions Board was to the effect that the manufacture of certain types of projectiles which can be turned types of projectiles which can be turned out in Great Britain in as large quantities as required would not be continued in Canada. It is also stated that certain other shells would be manufactured in reduced quantities and that still others would be manufactured in large quantities which would keep the factories running day and night. Plants that previously made the 9.2 and 8 inch sizes, of which there is a considerable number in Ontario and Quebec, have of late not been in operation. The Imperial Munitions Board has proposed that those plants be changed to make the six inch projectile. To firms which so convert projectile. To firms which so convert their plants contracts for the smaller



Economy Begins at Home

Now-a-days Governments, Chancellors, bankers and business men talk economy, However, it is one thing to talk economy and another to put it into practice.

The Canadian Housewife





These Men Will Help You Decide

Are you liable to be selected for service under the Military Service Act?

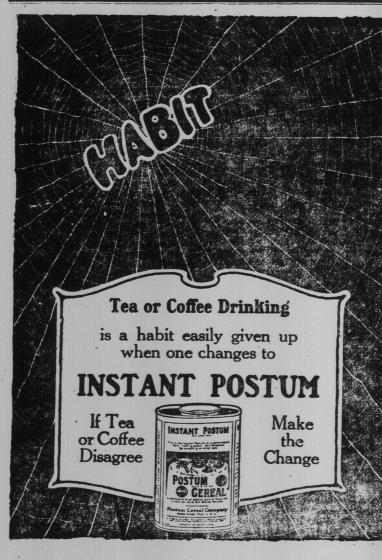
The answer to this question is being made readily available for you. Remember that the first class to be called includes only men between the ages of 20 and 34, both inclusive, who are unmarried or widowers without children, those married after July 6, 1917, being deemed single for the purposes of the Act.

Medical Boards are now being established throughout Canada. These Boards will examine, free of charge and obligation, all men who wish to be examined as to their physical fitness for military service. They will tell you in a very short time whether your physical condition absolves you from the call or makes you liable for selection.

It is important that you obtain this information as soon as possible. A certificate of unfitness from a Medical Board will secure for you freedom from responsibility under the Military Service Act from any Exemption Tribunal. A certificate of fitness will not preclude an appeal for exemption on any ground.

In order that you may be able to plan your future with certainty, visit a Medical Board as soon as possible and find out if you are liable to be selected. Your family and your employer are interested as well as yourself.

> Issued by The Military Service Council.



The last witness was Detective Sergeant McHattie, who said that when charged with the murder the prisoner said: "Very well. I did it for my honor." In a drawer in Baumberg's room the sergeant said he found the letter which the prisoner sent to the deceased challenging him to a duel, and also the letter in which he repeated the challenge, and a third one in which he threatened to thrash de Borch.

Then came the trial by jury at Old threatened to thrash de Borch.

Then, came the trial by jury at Old Bailey before Justice McCarthy, at which most of the foregoing evidence was reproduced. In opening for the defense Attorney Simon declared:

"We do not appeal to the 'unwritten law,' but only to justice. Lieutenant Malcolm acted the only course open to him to save not only his wife's honor but her body and soul from destruction at her body and soul from destruction at the hands of an infamous scoundrel." Justice McCarthy in summing up vigorously attacked the "unwritten law," "The unwritten law," his honor declared, "opposes the elementary principles of British justice that the husband has no legal property in his wife's body; that she is mictress of her own destiny.

luring my wife to dishonor?"

The last witness was Detective Ser-

BIG YACHT SUNK

that she is mistress of her own destiny

and if she chooses to give herself to another the husband is not entitled to pun-ish the other man."

In spite of this summing up the jury ordered the defendant acquitted.

An American Port, Sept. 17-News of he sinking of the yacht Union off the Canadian coast five days ago, as the reult of explosions in her oil tanks, reached here tonight on the arrival by rail from Canadian city of sixty-four members of the crew.

There was no loss of life in the dis-aster, and only one man was injured. He is in a Canadian hospital suffering from The Union, once the Vanadis, and one of the most palatial of the American seagoing yachts, was owned until recently C. K. G. Billings. At the time of her